SUPPLEMENT
TO
NOTES OF CASES
AT
MADRAS,
CONTAINING
STATUTES,
CHARTER,
AND
RULES
OF THE
SUPREME COURT
AT
MADRAS.

VOL. III.

MADRAS:
PRINTED AT THE ASYLUM PRESS.
1816.

THE difficulty of procuring a Copy of the Charter of the Supreme Court, which has long become scarce in this Presidency, suggested the propriety of re-printing it, together with a Copy of the Act under which it was framed. They constitute, in effect, but one Instrument; it having been settled that the Charter is to be construed by the Act. (a) Other Statutes and Extracts of Statutes, connected with the subject, are added.

The Rules of the Court, which have been recently revised, in concert with the present Chief Justice, follow; the Statutes alluded to, Charter, and Rules forming, as has been thought, an obvious and useful Supplement to the preceding Volumes.

Indexes have been subjoined to the Charter and Rules, and to so much of the accompanying Statutes and Extracts, as regard the Charter and Jurisdiction of the Court.

Ennore near Madras,
September 2d, 1816.

(*a*) See *Vencata Runga Pillay* v. *The East India Company*, Notes of Cases at Madras, Vol. 1, p. 180-208.

ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

C A P. LXXIX.

28th July 1803.

An Act for establishing further Regulations for the Government of the *British* Territories in *India*, and the better Administration of Justice within the same.

WHEREAS the Territorial Possessions of the United Company of Merchants of *England* trading to the *East Indies*, in the Peninsula of *India*, have become so much extended as to require further Regulations to be made for the due Government of the same: And whereas by an Act of Parliament, made and passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for continuing in the* East India *Company, for a further Term, the possession of the* British *Territories in* India, *together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making*

Preamble.

33 Geo. III. Cap. 52.

Provision for the good Order and Government of the Towns of Calcutta, Madras, *and* Bombay; it is enacted, That the whole Civil and Military Government of the Presidency of *Fort Saint George*, on the Coast of *Coromandel*, and the Ordering, Management, and Government, of all the Territorial Acquisitions and Revenues on the said Coast, and also so much and such Parts of the Territories and Possessions on the Coast of *Orissa*, with the Revenues of the same, as had been and then were under the Administration of the Government or Presidency of *Fort Saint George*, should be and were thereby vested in a Governor and Three Counsellors of and for the said Presidency of *Fort Saint George*, subject to such Rules, Regulations, and Restrictions, as were therein mentioned; and that the whole Civil and Military Government of the Presidency and Island of *Bombay*, on the Coast of *Malabar*, and the Ordering, Management, and Government, of all the Territorial Acquisitions and Revenues on the said Coast of *Malabar*, should be and were thereby vested in a Governor and Three Counsellors of and for the said Presidency and Island of *Bombay*, subject to the Provision therein mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, it shall and may be lawful for the Court of Directors of the said Company for the Time being, to declare

The Court of Directors may appoint what Parts of the Territorial Acquisitions,

and appoint what Part or Parts of the said Territorial Acquisitions, or of any other now subject to the Government of the said Presidency of *Fort Saint George*, or the said Presidency of *Bombay*, together with the Revenues arising therefrom, and the Establishment of Civil Servants connected therewith respectively, shall from thenceforth hereafter be subject to the Government of either and which of the said Presidencies, or of the Presidency of *Fort William* in *Bengal*, and from Time to Time, as Occasion may require, to revoke and alter in the Whole or in Part such Appointment, and to make such new Distribution of the same as to them shall seem fit and expedient, subject nevertheless, in all Cases, to the Superintendence, Direction, and Controul of the Commissioners for the Affairs of *India*, in like Manner as any Acts or Orders of the said Court of Directors, are now by Law subject; and all such Territorial Acquisitions, and the Revenues arising therefrom, and the Establishment of Civil Servants connected therewith, shall, from and after the Time, and subject as to such Time, to the Conditions, and Limitations to be by the said Court of Directors limited and appointed for such Purposes respectively, be to all Intents and Purposes whatsoever annexed to and made subject to such Presidency, and to the Court or Courts of Judicature established or to be established therein respectively.

Revenues, &c. shall be subject to either, and which of their Presidencies, subject to the Controul of the Commissioners for the Affairs of *India*.

II. And whereas His late Majesty King *George* the Second did, by his Letters Patent, bearing Date at *Westminster* the Eighth Day of *January* in the Twenty-first Year of his Reign,

Letters Patent of *Geo.* II, dated the 8th of *Jan.* in the 21st of His Reign.

grant unto the said United Company of Merchants of *England* trading to the *East Indies*, His Royal Charter, thereby amongst other things constituting and establishing Courts of Civil, Criminal, and Ecclesiastical Jurisdiction at the United Company's respective Settlements at *Madras Patnam, Bombay*, or the Island of *Bombay*, and *Fort William* in *Bengal*: And whereas the said Charter, in so far as it respects the Administration of Justice at *Madras*, has been altered and changed, by virtue of an Act passed in the Thirty-seventh Year of His present Majesty, intituled, *An Act for the better Administration of Justice* at Calcutta, Madras *and* Bombay; *and for preventing* British *Subjects from being concerned in Loans to the Native Princes in* India: And whereas the said Charter so far as it respects the Administration of Justice at *Fort William* in *Bengal*, has also been altered and changed, by virtue of an Act passed in the Thirteenth Year of His present Majesty, intituled, *An Act for establishing certain Regulations for the better Management of the Affairs of the* East India *Company, as well in* India *as in* Europe, and by divers subsequent Statutes: And whereas it may be expedient, for the better Administration of Justice in the said Settlement of *Madras*, that a Supreme Court of Judicature should be established at *Madras*, in the same Form, and with the same Powers and Authorities, as that now subsisting, by virtue of the several Acts before-mentioned, at *Fort William* in *Bengal*: Be it therefore enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by Charter or Letters Patent under the Great

37 *Geo.* III, Cap. 142, recited.

13 *Geo.* III, Cap. 63.

His Majesty may establish a Supreme Court of Judicature at *Madras*, to consist

Seal of *Great Britain,* to erect and establish a Supreme Court of Judicature at *Madras* aforesaid, to consist of such and the like Number of Persons, to be named from Time to Time by His Majesty, His Heirs and Successors, with full power to exercise such Civil, Criminal, Admiralty, and Ecclesiastical Jurisdictions, both as to Natives and *British* Subjects, and to be invested with such Power and Authorities, Privileges and Immunities, for the better Administration of the same, and subject to the same Limitations, Restrictions, and Controul within the said *Fort St. George* and Town of *Madras,* and the Limits thereof, and the Factories subordinate thereto, and within the Territories which now are or hereafter may be subject to or dependant upon the said Government of *Madras,* as the said Supreme Court of Judicature at *Fort William* in *Bengal,* by virtue of any Law now in Force and unrepealed, or by this present Act, doth consist of, is invested with, or subject to, within the said *Fort William,* or the Kingdoms or Provinces of *Bengal, Bahar* and *Orissa.*

of the like Number of Persons, &c. as the Supreme Court at *Fort William.*

III. Provided always, That the Governor and Council at *Madras,* and the Governor General of *Fort William* aforesaid, shall enjoy the same Exemption, and no other, from the Authority of the said Supreme Court of Judicature to be there erected, as is enjoyed by the said Governor General and Council at *Fort William* aforesaid, from the Jurisdiction of the Supreme Court of Judicature there already by law established.

How far the Governor and Council at *Madras,* and the Governor General of *Fort William,* shall be exempted from the Authority of the Court to be erected.

If His Majesty shall erect a Supreme Court at *Madras*, the Records directed by recited Act of 37 *Geo.* III. to be delivered over to the new Courts, and those belonging thereto, shall be delivered over to the Supreme Court.

IV. And be it further enacted, That if His Majesty, His Heirs or Successors, shall grant such Charter as aforesaid, and erect such Supreme Court of Judicature at *Madras* as aforesaid, all the Records, Muniments, and Proceedings whatsoever, of and belonging to the late Mayor's Court at *Madras*, or to the late Court of Oyer and Terminer, and Gaol Delivery, which were, by the said Act passed in the Thirty-seventh Year of His present Majesty, directed to be delivered over, preserved, and deposited in the new Courts erected by virtue of the said Act; and all the Records, Muniments, and proceedings whatsoever, of and belonging to any of the said new Courts, shall, from and immediately after such Supreme Court of Judicature as His Majesty is hereby empowered to erect, shall be established at *Madras*, be delivered over to be preserved and deposited for safe Custody in the said new Court of Judicature; to which all parties concerned shall and may have Resort and Recourse upon Application to the said Court.

So much of the Charter of his present Majesty for erecting the Courts of Recorder of *Madras*, as relates to the Appointment of a Recorder, &c. if a new Charter be granted, shall be void, and the Powers granted by recited Act of 37 *Geo.* III. may be exercised by the Supreme Court.

V. And be it further enacted, That so much of the Charter granted by His present Majesty, for erecting the Courts of the Recorder of *Madras* and *Bombay*, as relates to the Appointment of such Recorder, and the erecting of such Courts of Judicature at *Madras*, in case a new Charter shall be granted by His Majesty, His Heirs or Successors, and shall be openly published at *Madras*, from and immediately after such Publication, shall cease and determine and be absolutely void to all Intents and Purposes whatsoever; and all Powers and

Authorities granted by the said Act of the Thirty-seventh of His present Majesty to the said Courts of the Recorder at *Madras*, shall cease and determine, and be no longer exercised by the said Court, but the same shall and may be exercised by the Supreme Court of Judicature to be erected by virtue of this Act, in the Manner and to the Extent herein before directed.

The Court of Directors shall Cause to be paid certain Salaries to the Chief Justice and Judges of the Supreme Court as shall be established by the new Charter, out of the Territorial Revenues of *Madras*.

VI. And be it further enacted, That when the said Supreme Court of Judicature which His Majesty is hereby empowered to erect, shall be erected, the Court of Directors of the said United Company shall, and they are hereby required to direct and cause to be paid certain and established Salaries to the Chief Justice, and each of the Judges of such Supreme Court of Judicature at *Madras*, as shall be by the said new Charter established; that is to say, to the Chief Justice Six thousand Pounds by the Year; and to each of the Judges at the said Supreme Court of Judicature at *Madras*, Five thousand Pounds by the Year; and that such Salaries shall be paid and payable to each and every of them respectively out of the territorial Revenues of the said Settlement of *Madras*, at an Exchange of Eight Shillings for the Pagoda of that Settlement.

When Salaries shall commence which shall be in lieu of all Perquisites.

VII. And be it further enacted, That the said Salaries shall commence and take place in respect to such Persons who shall be resident in *Great Britain* at the Time of their Appointment, upon and from the Day on which such Person shall embark from *Great Britain*, and

that the Salaries of all such Persons who shall at the Time of their Appointment be resident in *India*, shall commence and take place from and after their respectively taking upon them the Execution of their Office as aforesaid; and that all such Salaries shall be in lieu of all Fees of Office, Perquisites, Emoluments, and Advantages whatsoever, and that no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever shall be accepted, received, or taken in any Manner, or on any Account or Pretence whatsoever, other than such Salaries and Allowances as are in and by this Act directed to be paid.

If the Chief Justice, or any of the Puisne Judges, shall return to *Europe*, His Majesty may direct Allowances to be made to them out of the Revenues of the *British* Territories in *India*, not exceeding a certain Amount, provided they have resided in *India* Seven Years in certain Situations.

VIII. And be it further enacted, That if the Chief Justice, or any or either of the Puisne Judges of the Supreme Court of Judicature to be erected at *Madras* by virtue of this Act, shall return to *Europe*, from Age, Infirmity, or other Cause to be approved of by His Majesty, it shall and may be lawful for His Majesty, by Warrant under the Sign Manual, to direct and authorize an Allowance to be made out of the Revenues of the *British* Territories in *India*, to such Chief Justice, or Judge so returning: Provided always, That it shall not be lawful for His Majesty to direct any larger Allowance to be made to such Chief Justice than the Sum of One thousand six hundred Pounds Sterling, nor to either of the said Puisne Judges so returning, than the Sum of One thousand two hundred Pounds Sterling *per annum*; nor shall it be lawful for His Majesty to direct any Allowance to be made to any Person who has not resided in *India* for Seven Years, either as

Chief Justice or one of the Puisne Judges of the Supreme Court of Judicature of *Fort William*, or of the Supreme Court of Judicature to be erected as aforesaid at *Madras*, nor to authorize the Payment of any Sum which, with the Sums already directed and authorized to be paid at the Date of such Grant, shall in the Whole exceed the Amount of the Salary to be paid to one of the Puisne Judges of the said Supreme Court.

The Salaries of the Judges of the Supreme Courts, and of the Recorder of *Bombay*, to cease on their leaving *India*.

IX. Provided always, and be it hereby further enacted, That when either of the Judges of the Supreme Court of Judicature at *Fort William*, or of the Supreme Court of Judicature which His Majesty is hereby empowered to erect at *Madras*, or the Recorder of *Bombay*, shall respectively leave *India*, the Salary now payable, or which may become payable under and by virtue of this Act, to any such Judge or Recorder respectively, shall cease and be no longer paid; any Thing herein or in any former Act or Acts contained to the contrary thereof in anywise notwithstanding.

How the vacant Office of Recorder at *Bombay* shall be supplied in case no Successor shall be upon the Spot.

X. And be it further enacted, That whenever the Office of Recorder of *Bombay* shall become vacant, and no Person shall be upon the Spot who shall have been appointed by His Majesty to succeed to such Recordership, in such Case, and as soon as the same shall be made known to the Supreme Court of Judicature which His Majesty is hereby empowered to erect at *Madras*, the Junior Puisne Judge of the said Court shall, and he is hereby directed and authorized to proceed with all conveni-

ent Speed to the said Settlement of *Bombay*, and shall take upon himself the Office of Recorder of the said Settlement, and shall hold and exercise the same in as full and ample a Manner, and with the like Allowances and Exemptions, as if he had been appointed Recorder of the said Settlement by His Majesty, or provisionally by virtue of the Act passed in the Thirty-seventh Year of His present Majesty's Reign, and shall continue to hold and exercise the said Office until a Recorder shall have been appointed by His Majesty, and until such Recorder shall arrive at the said Settlement and no longer: Provided always, That if at the Time of the Notification of such Vacancy, the Establishment of the said Supreme Court at *Madras* shall not be full, and the Establishment of the Supreme Court at *Fort William* shall be full, then and in such Case only the Junior Puisne Judge of the said Supreme Court of Judicature at *Fort William*, as soon as the Vacancy in the said Office of Recorder is made known to the said Supreme Court, shall in like Manner proceed to take upon himself the said Office of Recorder at *Bombay*, and shall continue to hold and exercise the same in like Manner, to all Intents and Purposes, as is herein-before provided; any Thing in the said Act, or in any other Act or Acts, to the contrary thereof in anywise notwithstanding.

The Governor and Council at *Fort St. George* may frame Regulations for the Provincial Courts and Councils an-

XI. And be it further enacted, That it shall and may be lawful to and for the Governor and Council at *Fort St. George* aforesaid, to frame Regulations from Time to Time for the Provincial Courts and Councils within the Terri-

tories and Provinces which now are, or shall at any Time hereafter be (and while the same shall so be) annexed to or made subject to the said Presidency, in like Manner, and subject to all the Regulations, Provisions, and Confirmations, touching the same, as the Governor General and Council at *Fort William* aforesaid are, by any Act now in force, authorized and empowered to do, for the better Administration of Justice among the native Inhabitants and others, being within the Provinces of *Bengal*, *Bahar*, and *Orissa*.

nexed to that Presidency, as the Governor General and Council at Fort *William* may do for the better Administration of Justice in *Bengal*, &c.

XII. And be it further enacted, That if the Governor General of *Fort William* in *Bengal* for the Time being, or the Governor of the said Presidency of *Fort Saint George*, and of the said Presidency and Island of *Bombay* respectively for the Time being, shall happen to be absent from any Council to be assembled for the said respective Presidencies of *Fort William* and *Fort Saint George*, and the said Presidency and Island of *Bombay*, owing to Indisposition or any other Cause whatsoever, and shall signify such his intended Absence to such Council so to be assembled, then and in every such Case the senior Member for the Time being, who shall be present at the Council so assembled, shall preside at such Council, in such Manner, and with such full Powers and Authorities, during the Time that such Council shall continue to be assembled, as such Governor General or Governor might or would have had in case such Governor General or Governor were himself actually present at such Council: Provided nevertheless, That no Act of any Council so

If the Governor General of *Fort William*, or the Governor of *Fort St. George*, or of *Bombay*, shall signify his intended Absence from the Council, the senior Member present shall preside; but no Act of such Council shall be valid; unless signed by the Governor General, or Governor respectively, if resident at the Presidency, and not prevented by Indisposition; and if not so prevented, and he shall refuse to sign, he, and the Members who shall have signed, shall mutually communicate the Grounds of their Opinions as directed by

recited Act of 33 Geo. III, where he shall, when present, dissent from the Council.

held shall be valid to any Effect whatsoever, unless the same shall be signed by such Governor General or Governor respectively, if such Governor General or Governor shall at the Time be resident at the Presidency at which such Council shall be so assembled, and shall not be prevented by such Indisposition from signing the same: Provided always, That in case such Governor General or Governor, not being so prevented as aforesaid, shall decline or refuse to sign such Act of Council, he and the several Members of the Council who shall have signed the same, shall mutually exchange with and communicate in Writing to each other the Grounds and Reasons of their respective Opinions, in like Manner, and subject to such regulations and ultimate Responsibility of such Governor General or Governor respectively, as are by the said Act, passed in the Thirty-third Year of the Reign of His present Majesty, provided and directed in Cases where such Governor General or Governor respectively shall, when present, dissent from any Measure proposed or agitated in such Council respectively: Provided also, That nothing herein contained shall be taken or construed to prevent such Governor General, in case he shall be absent from his own Government of *Bengal*, to nominate a Vice President and Deputy Governor of *Fort William*, according to the Provision for that Purpose in the said Act passed in the Thirty-third Year of His present Majesty.

The Governor General, when absent may nominate a Vice President and Deputy Governor of *Fort William*.

Persons who have been convicted of Offences, for which they

XIII. And be it further enacted, That where any Person or Persons shall have been convicted at any Session of Oyer and Terminer or Gaol

Delivery, or any Session of the Peace which shall have been holden for any of the said Presidencies or Settlements of *Fort William* and *Fort Saint George*, and the said Presidency or Island of *Bombay*, of the Crime of Perjury, or of Grand or Petit Larceny, or of any other Offence for which such Person or Persons would, before the passing of this Act, have been liable by the Laws of this Realm to be transported, it shall and may be lawful for the Court before which any such Person or Persons shall be so convicted as aforesaid, or any subsequent Court holden at any of the Presidencies above-mentioned respectively, with like Authority, to order and adjudge that such Person or Persons so convicted as aforesaid, shall be transported to the Eastern Coast of *New South Wales*, or some one or other of the Islands adjacent, or elsewhere, and for such Term of Years as the said Court shall direct; and where any Person or Persons shall hereafter be convicted of any Crimes whatsoever, for which he, she, or they is, are, or shall be by the Laws of this Realm, as extending to the *British* Dominions in *India*, excluded from the Benefit of Clergy, it shall and may be lawful to and for such Court respectively, as they shall see fit, instead of awarding Sentence of Execution against such Offender or Offenders, to order such Offender or Offenders to be in like Manner transported, either for Life, or for such Number of Years as such Court shall award and order; and the Governor and Council of such Presidency respectively shall, and they are hereby required to take Order for the due Performance of all such Sentences of Trans-

would have been liable by the Laws of this Realm, before the passing of this Act, to be transported, may be transported to New *South Wales*, *etc.* and Persons who shall hereafter be convicted of any Crimes, excluding them from Benefit of Clergy may, instead of Sentence of Execution, be ordered to be transported.

Natives of *India* not born of *European* Parents not to be transported to *New South Wales*.

portation accordingly: Provided always, That it shall not be lawful for any such Court to order the Transportation of any Person or Persons, being Natives of *India* and not born of *European* Parents, to the Eastern Coast of *New South Wales*, or any of the Islands adjacent thereto.

No Offence to be punished by Transportation (except substituted for capital Punishment) unless committed Three Months after this Act shall have been published at *Fort William, etc.*

XIV. Provided nevertheless, That no Offence whatsoever shall be liable to be punished by such Sentence of Transportation as aforesaid (except in case the same shall be substituted as aforesaid in the Place of a capital Punishment) unless such Offence shall have been committed Three Months after this Act, and all the Clauses and Provisions therein contained shall have been openly published in the said Presidencies of *Fort William, Fort St. George,* and *Bombay* respectively; any Thing herein contained to the contrary thereof in anywise notwithstanding.

If any Person transported shall return into the Territories of the United Company, *etc.* before the expiration of his Term, he shall be punished as a Felon without Benefit of Clergy.

XV. And be it further enacted, That if any Offender so ordered by any such Court to be transported for any Term of Life or Years, or other Time or Times as aforesaid, shall return into any of the said Territories or Acquisitions of the said United Company, or shall come into any Part of *Great Britain* or *Ireland*, before the End of his or her said Term, he or she so returning as aforesaid shall be liable to be punished as a Person attainted of Felony, without the Benefit of Clergy, and Execution may and shall be awarded against such Offender accordingly.

His Majesty may extend

XVI. Provided nevertheless, That nothing

herein contained shall be construed or taken to prevent His Majesty, His Heirs and Successors, from extending His or Their Royal Mercy to any such Offender or Offenders, and from allowing of the Return of any such Offender or Offenders from such Place of Transportation.

His Mercy to Offenders.

XVII. And whereas great inconveniencies have resulted from the Manner in which the Courts of Requests for the Recovery of Small Debts in the respective Settlements of *Fort William* and *Fort Saint George* are constituted; be it therefore further enacted, That it shall and may be lawful to and for the Governor General and Council of *Fort William*, and for the Governor and Council of *Fort Saint George* aforesaid for the Time being respectively, to order and appoint in what Manner the said Courts respectively shall in future be formed, and to what Amount in Value, not exceeding the Sum of Four Hundred Sicca Rupees, the Jurisdiction of the same shall extend, and to frame and make such new Rules and Orders, and to establish and declare such new Modes and forms of Proceedings, as to them shall appear to be necessary and expedient for new-modelling, altering, and reforming the present Constitution and Practice of the said Courts respectively, and by their Proclamation, to be made and published in due Form of Law, to declare and notify to all Persons concerned, such new Constitution, Rules, Orders, Modes, and Forms of Proceedings, and the Time from whence they are to have Force and Effect; and from and after such Time as shall be so respectively notified for that purpose, the pre-

The Governor General and Council of *Fort William*, and the Governor and Council of *Fort Saint George*, may order in what Manner the Courts of Requests shall in future be formed, and to what Amount the Jurisdiction shall extend, *etc.*

sent Courts of Requests, as well as the Rules, Orders, Modes, and Forms of Proceeding which are now used and observed therein, shall be abolished and cease, and thenceforth the new Court, Rules, Orders, Modes, and Forms of Proceedings which the said Governor General and Council are authorized and empowered, under and by virtue of this Act, to make and publish, shall be in full Force and Effect; any Former Act or Acts to the contrary thereof in anywise notwithstanding.

The Governor General and Council at *Fort William* may order Corporal Punishment for Breach of Rules, made under Authority of the recited Act of 13 *Geo.* III.

XVIII. And whereas the Powers given by the Act of the Thirteenth Year of His present Majesty to the Governor General and Council of the said United Company's Settlement at *Fort William* aforesaid, to enforce the Observance of such Rules, Ordinances, or Regulations, for the good Order and Civil Government of the said Settlement, and other Factories and Places subordinate to or to be subordinate thereto, as they are thereby authorized to make, by setting, imposing, and levying reasonable Fines and Forfeitures for the Breach or Non-observance of such Rules, Ordinances, and Regulations, have not been found sufficient for the Preservation of good Order in the said Settlement; be it therefore enacted, That it shall and may be lawful to and for the said Governor General and Council for the Time being, in addition to, or instead of such Fines and Forfeitures as abovementioned, to order or appoint such moderate and reasonable Corporal Punishment, by public or private whipping, or otherwise, as to them shall seem fit and expedient, for the Breach or

Non-observance of any such Rules heretofore made or hereafter to be by them made, by virtue of the Authority herein-before recited, subject nevertheless to such Registry, Publication, Approbation, Power of Appeal, and other Regulations, as in and by the said recited Act, passed in the Thirteenth Year of His present Majesty, are prescribed and provided touching the Rules, Ordinances, Regulations, Fines and Forfeitures therein and herein-before mentioned.

XIX. Provided always, and be it further enacted, That no such Corporal Punishment shall in any case be ordered to be inflicted, except only in case of due Conviction of the Offender before Two Justices of the Peace acting in and for the said Settlement, Presidencies, and Places thereto subordinate, which Offence such Two Justices of the Peace are hereby authorized and empowered to hear and determine, and to order such Punishment upon Conviction as aforesaid: Provided also, That no such Conviction, Judgment, or Order, shall be reviewed or brought into any superior Court by writ of *Certiorari* or Appeal, or any other Process whatsoever; any Thing in any former Act or Acts to the contrary thereof in anywise notwithstanding.

No Corporal Punishment to be ordered except on Conviction before Two Justices.

No Conviction to be reviewed.

XX. And whereas the Province or District of *Benares* has been ceded to the said United Company, and been annexed to the said Presidency of *Fort William* in *Bengal*, since the Establishment of the said Supreme Court of Judicature at *Fort William* aforesaid, and it is

From *March* 1, 1801, the Power of the Supreme Court of Judicature of *Fort William* shall extend over the Province of *Benares*, and

all Places subordinate thereto, and all Districts hereafter annexed to the Presidency.

expedient that the same should be subject to the Jurisdiction of the said Court, in like Manner as the Kingdoms or Provinces of *Bengal*, *Bahar*, and *Orissa*; and that the said Province or District, and all other Provinces or Districts, which may hereafter be at any Time annexed and made subject to the said Presidency, should be subject to such Regulations as the Governor General and Council of *Fort William* aforesaid have framed or may frame for the better Administration of Justice among the native Inhabitants and others within the same respectively; be it therefore further enacted, That, from and after the First Day of *March* which will be in the Year of our Lord One thousand eight hundred and one, the Power and Authority of the said Supreme Court of Judicature in and for the said Presidency of *Fort William* aforesaid, as now and by virtue of this Act established, and all such Regulations as have been or may be hereafter, according to the Powers and Authorities, and subject to the Provisions and Restrictions before enacted, framed, and provided, shall extend to and over the said Province or District of *Benares*, and to and over all the Factories, Districts, and Places, which now are or hereafter shall be made subordinate thereto, and to and over all such Provinces and Districts as may at any Time hereafter be annexed and made subject to the said Presidency of *Fort William* aforesaid.

From *March* 1, 1801, whenever any *British* Subject shall die within either of the Presi-

XXI. And whereas great Inconveniencies have arisen from the Practice of granting Letters of Administration by the said Supreme Court of Judicature at *Fort William* aforesaid;

in Cases where the next of Kin, or any of the Creditors of the Deceased, do not apply for the same, to Persons calling themselves Friends of the Deceased; be it therefore further enacted, That, from and after the First Day of *March* which will be in the Year of our Lord One thousand eight hundred and one, whenever any *British* Subject shall die intestate within either of the Presidencies of *Fort William, Fort Saint George,* or *Bombay,* or the Territories subordinate to either of the said Presidencies, or to become subordinate thereto, and on Return of the Citation to be issued from the proper Ecclesiastical Court, no next of Kin or Creditor shall appear and make out their Claim to the Administration of the Effects of the Intestate deceased to the Satisfaction of the said Court, it shall and may be lawful for the Registrar of such Court respectively, and he is hereby required to apply for, and such Court is hereby required and directed to grant such Letters *ad Colligenda* or of Administration, as to such Court shall seem meet, by virtue whereof such Registrar shall collect the Assets of the Deceased, and shall bring them for safe Custody into such Court, and account for them regularly, in like manner as is now by Law provided in Cases where Assets are vested in the Hands of any Officer of the Court, under or by virtue of the equitable Jurisdiction of any such Court.

dencies or Subordinate Territories, and no next of Kin or Creditor shall appear, the Registrar of the Ecclesiastical Court shall apply for Letters of Administration, and shall collect the Assets of the Deceased, and bring them into Court, and account for them.

XXII. Provided always, and be it further enacted, That when any next of Kin or Creditor, who, at the Time of the Return of the above Citation, shall have been absent in *Europe* or elsewhere, shall make and establish their Claim

When any next of Kin or Creditor, who shall have been absent, shall make out his Claim, the Letters of Ad-

ministration to the Register shall be recalled, and Letters granted to the Claimant.

to the Administration of the Assets of such Intestate, the Letters *ad Colligenda* or of Administration, granted by virtue of this Act to the said Registrar, shall be recalled, and Administration in due Form granted to such next of Kin or Creditor respectively.

The Judge of the Supreme Court at *Fort William*, and of the Supreme Court to be erected at *Madras*, and the Court of the Recorder at *Bombay*, may make Rules for extending to Insolvent Debtors, the Relief intended by Act 32, *Geo.* II. commonly called *The Lord's Act.*

XXIII. And whereas Doubts may have arisen whether any of the Courts of Judicature established in *India* by virtue of His Majesty's Charter, are competent to administer adequate Relief to Insolvent Debtors, who stand charged in Execution for Debts under a certain Amount, according to the Provisions of an Act passed in the Thirty-second Year of His late Majesty's Reign, commonly called *The Lord's Act*; be it therefore further enacted, That it shall and may be lawful for the Judge of the said Supreme Court at *Fort William*, and of the Supreme Court which His Majesty is empowered by this Act to erect at *Madras*, or for the Court of the Recorder at *Bombay*, to make and publish such Rules and Orders as to them respectively shall seem meet, for extending to such Insolvent Debtors as shall be in Execution under the Process of such respective Courts; or of any Court previously established at such Presidency respectively, for Sums under the Amount to be prescribed by such Rules and Orders, the Relief intended by the said Act, and to prescribe and order what weekly Sum the Creditor or Creditors at whose Suit such Debtor stands charged in Execution, shall be obliged to pay and allow, in case such Creditor or Creditors shall insist on such Debtor being detained in Custody, and to adopt and propor-

tion the same, as well as the Amount of such Debt as abovementioned, to the general State and Condition of such Debtors, whether Natives or *Europeans*, under the Jurisdiction of such Court respectively; and such Courts are hereby, authorized and empowered, as soon as such Rules and Orders shall have been made and established, to proceed to act upon the same accordingly as Cases may arise to require the same, and to make such Orders in such Cases as may be necessary to carry the same fully into Effect: Provided always, That all such Rules and Orders as are first abovementioned, for prescribing the Mode in which such Relief shall be administered shall be transmitted to the President of the Board of Commissioners for the Affairs of *India* to be laid before His Majesty for His Royal Approbation, Correction, or Revision, and such Rules and Orders shall be observed until the same shall be repealed or varied, and in the last Case with such Variation as shall be made therein.

XXIV. And be it further enacted, That all Rules and Orders heretofore made or hereafter to be made, previous to the Notification of this present Act, in such Presidencies respectively, by any of the Courts abovementioned, or any Court previously established in either of the said Presidencies for the Relief and Discharge of such Insolvent Debtors, and all Acts by them, or either of them, done or commanded in pursuance thereof, shall be, and they are hereby ratified and confirmed, and all present Actions and Suits, Indictments, Informations, and all Molestations, Prosecutions, and Proceedings

All Rules made previous to the Notification of this Act in the Presidencies for the Relief of Insolvent Debtors shall be confirmed, and all Suits commenced for acting under them shall be void.

whatsoever, which may have been, or may be had, commenced, or prosecuted, against any Person whomsoever, for acting or having acted under and in Obedience to any such Rules or Orders, are and shall be discharged, annulled, and utterly made void and of no Effect, to all Intents and Purposes, by virtue of this Act.

His Majesty may appoint Commissioners for carrying into Execution a Commission for the Trial and Adjudication of Prize Causes, etc. in *India*.

XXV. And whereas it may be expedient for His Majesty, His Heirs or Successors, to issue a Commission from His High Court of Admiralty in *England*, for the Trial and Adjudication of Prize Causes, and other Maritime Questions arising in *India*; be it therefore further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, to nominate and appoint all or any of the Judges of the Supreme Court of Judicature at *Fort William* aforesaid, or of the Supreme Court of Judicature to be erected as aforesaid at *Madras*, or the Court of the Recorder at *Bombay*, either alone or jointly with any other Persons to be named in such Commission, to be Commissioners for the Purpose of carrying such Commission so to be issued as aforesaid into Execution; any Act or Acts to the contrary thereof in anywise notwithstanding.

LETTERS PATENT

ESTABLISHING THE

SUPREME COURT OF JUDICATURE,

AT

FORT ST. GEORGE

IN THE

EAST INDIES;

Bearing Date the Twenty-sixth day of DECEMBER, in the Forty-first Year of the Reign of George III.

ANNO DOMINI,

ONE THOUSAND EIGHT HUNDRED.

LETTERS PATENT

ESTABLISHING A

NEW COURT OF JUDICATURE,

AT

FORT ST. GEORGE

IN THE EAST-INDIES;

Bearing Date the Twenty-sixth Day of December, in the Forty-first Year of the Reign of GEORGE III: Anno Domini, One Thousand Eight Hundred.

Recital of Charter, 8th January, 26 Geo. II. erecting the Mayor's Court at *Madras.*

GEORGE THE THIRD, by the Grace of God, of *Great Britain, France,* and *Ireland,* King, Defender of the Faith, and so forth, To all to whom these Presents shall come, greeting. WHEREAS Our Royal Grandfather, King *George* the Second, of glorious Memory, by His Letters Patent, under the Great Seal of *Great-Britain,* bearing Date at *Westminster* the Eighth of *January,* in the Twenty-sixth Year of His Reign, did, for himself, His Heirs, and Successors, amongst other Things, give and grant unto the *United Company of Merchants of England trading to the East-Indies,* and their Successors; and did ordain, direct, establish, and appoint, that there should be thereafter, within the Town or Factory of *Madraspatnam,* on the *Coast of Coromandel* in the *East-Indies,* one Body politic and corporate, by the Name of the *Mayor and Aldermen of Madraspatnam;* and that such Body politic and corporate should consist of a Mayor and Nine Aldermen, to be

respectively elected and appointed, in Manner therein mentioned; and that the said Body corporate, by the Name aforesaid, should have perpetual Succession. And Our said Royal Grandfather did further grant, ordain, direct, and appoint, that the Mayor and Aldermen, for the Time being, of *Madraspatnam* aforesaid, should, for ever thereafter be, and they were thereby constituted a Court of Record, by the name of the *Mayor's Court of Madraspatnam*, with such Powers, Jurisdictions, and Authorities, as in the said Letters Patent are mentioned. And by the same Charter it is Ordained, That any Person or Persons, thinking himself or themselves aggrieved, by any Judgment, Sentence, or Decree of the said Mayor's Court, might appeal to the Governor, or President and Council of *Fort St. George*, for the Time being, who, or any Three, or more of them, were thereby, in the Manner therein mentioned, appointed to be, for ever thereafter, a Court of Record for that Purpose, to receive such Appeals, and to hear and determine the same, and to do all other Acts, Matters, and Things, necessarily incident thereto, subject to such Provisions, Regulations, and Restrictions, as in the same Charter are contained. And by the said Charter, the Governor, or President and Council, of *Fort St. George*, for the Time being, are appointed Justices of the Peace, and are, in the Manner therein mentioned, authorized and appointed to hold Quarter Sessions of the Peace, and at all Times thereafter to be a Court of Record, in the Nature of a Court of Oyer and Terminer and Gaol Delivery; and from Time to Time, and at all Times

thereafter, to be Commissioners of Oyer and Terminer and Gaol Delivery, for the trying and punishing of such Offenders and Offences, and in such Manner, as in the said Charter are and is mentioned. And by the same Charter or Letters Patent, Our said late Royal Grandfather did establish another Body politic and corporate, by the Name of the *Mayor and Aldermen of Calcutta*, at *Fort William in Bengal*, and did direct and appoint, that the said Mayor and Aldermen of *Calcutta*, should be a Court of Record, with such civil and criminal Jurisdiction, within the Town and Factory of *Calcutta*, at *Fort William*, in *Bengal*, or within any of the Factories subject or subordinate thereto, as in the said Charter is mentioned.

Recital of the Act 37th Geo. III. Cap. 142.

AND WHEREAS, by an Act of Parliament passed in the Thirty-seventh Year of our Reign, entitled "An Act for the better Adminis-"tration of Justice at *Calcutta*, *Madras*, and "*Bombay*, and for preventing *British* Subjects "from being concerned in Loans to the Native "Princes in India;" reciting, among other Things, That the said Charter did not sufficiently provide for the due Administration of Justice, in such Manner as the State and Condition of the Company's Settlements at *Madraspatnam* required, it is amongst other Things, enacted, That it should be lawful for Us, by Charter, or Letters Patent, under the Great Seal of *Great Britain*, to erect and establish a Court of Judicature at *Madras*, to consist of the Mayor and Three of the Aldermen, resident at the said Settlement of *Madras*, for the Time being; which Aldermen were, from

Time to Time, to be selected, in such Manner as should be directed and prescribed by Us in the said Charter, together with One other Person, to be named, from Time to Time, by Us, Our Heirs, and Successors, which Person was to be a Barrister of *England* or *Ireland* of not less than Five Years standing, and which Person, so appointed, was to be the President of the said Court, and was to be styled the *Recorder of Madras*: and that the said Court should have full Power and Authority to exercise and perform all Civil, Criminal, Ecclesiastical, and Admiralty Jurisdiction, and to appoint such Ministerial Officers as might be necessary, and to form and establish such Rules of Practice, and such Rules for the Process of the said Court, and to do all such other Things, as should be necessary for the Administration of Justice, and the due Execution of all or any of the Powers which might, by the said Charter, be committed to the said Court; and that the same should also be, at all Times, a Court of Oyer and Terminer and Gaol Delivery, in and for *Fort St. George* and the Town of *Madras*, and the Limits thereof, and the Factories subordinate thereto. And by the said Act, divers Provisions were made, touching the extent of the said Charter, and the Jurisdiction, Powers, and Authorities to be thereby established. And it is further (among other Things) by the said Act enacted, That so much of the said Charter, granted by Our said Royal Grandfather, as conferred any Civil, Criminal, or Ecclesiastical Jurisdiction, upon the Mayor's Court of *Madras*, or upon the President and Council, as a Court of Appeal from the said Court, or of

Oyer and Terminer and Gaol Delivery of the said Settlement, or the Subordinates thereto belonging, in case a new Charter should be granted by us, in pursuance of the said Act, and should be openly published at *Madras*, from and immediately after such Publication should cease and determine, and be absolutely void, to all intents and purposes, and all Judicial Powers and Authorities, granted by any Act or Acts of Parliament to the said Mayor's Court, or Court of Appeal at the said Settlement, should cease and determine, and be no longer exercised by the said Courts; but that the same should and might be exercised by the Court of Judicature, to be erected by virtue of the said Act, in the manner and to the extent in the said Act before directed: But, nevertheless, the said Charter should, in all other respects, continue in full force and effect, to all intents and purposes, according to the true intent and meaning thereof (except in so far as it is altered or varied by the said Act) as fully and effectually, as if the said Act had not been made, or such new Charter had not been granted.

Recital of the Erection of the Recorder's Court at *Madras*.

AND WHEREAS, by Our Letters Patent, under the Great Seal of *Great-Britain*, bearing date at *Westminster*, the Twentieth day of *February*, in the Thirty-eighth Year of Our Reign, passed in pursuance of the said recited Act of Parliament, We did, for Us, Our Heirs, and Successors, grant, direct, ordain, and appoint, That there should be, within the Settlement of *Madras*, a Court of Record, which should be called the *Court of the Recorder of Madras*;

and We did thereby create, direct, and constitute the said Court of the Recorder of *Madras* to be a Court of Record, with such Civil, Criminal, and Ecclesiastical Jurisdiction, and with such Powers and Authorities, to be exercised in such Manner as in the said Letters Patent is mentioned and directed. And whereas, the said Letters Patent have been openly published at *Madras*, and acted upon.

Recital of the Act of 40th Geo. III. cap. 79.

AND WHEREAS, by an Act of Parliament, passed in the Fortieth Year of Our Reign, entitled "An Act for establishing further Regulations "for the Government of the *British* Territo-"ries in *India*, and the better Administration "of Justice within the same," reciting, among other Things, the Letters Patent granted by Our said late Royal Grandfather, bearing date the Eighth Day of *January*, in the Twenty-first Year of His Reign, and first herein-before recited; and reciting, That the said Charter, so far as respected the Administration of Justice at *Madras*, had been altered and changed, by virtue of the said recited Act, passed in the Thirty-seventh Year of Our Reign; and that the said Charter, so far as it respected the administration of Justice at *Fort William* in *Bengal*, had also been altered and changed, by virtue of an Act, passed in the Thirteenth Year of Our Reign, intitled, "An "Act for establishing certain Regulations, for "the better management of the affairs of the "*East-India Company*, as well in *India* as in "*Europe*," and by divers subsequent Statutes; and reciting, That it might be expedient, for the better administration of Justice in the said

Settlement of *Madras*, that a Supreme Court of Judicature should be established at *Madras*, in the same Form, and with the same Powers and Authorities, as that now subsisting, by virtue of the several Acts before-mentioned, at *Fort William* in *Bengal*: It is enacted, That it should and might be lawful for Us, Our Heirs, and Successors, by Charter, or Letters Patent, under the Great Seal of *Great Britain*, to erect and establish a Supreme Court of Judicature at *Madras* aforesaid, to consist of such and the like number of Persons, to be named, from time to time, by Us, Our Heirs, and Successors, with full power to exercise such Civil, Criminal, Admiralty, and Ecclesiastical Jurisdictions, both as to *Natives* and *British* Subjects, and to be invested with such Power and Authorities, Privileges, and Immunities, for the better administration of the same, and subject to the same Limitations, Restrictions, and Controul, within the said *Fort St. George*, and Town of *Madras*, and the Limits thereof, and the Factories subordinate thereto, and within the Territories which then were, or thereafter might be, subject to, or dependent upon the said Government of *Madras*, as the said Supreme Court of Judicature at *Fort William* in *Bengal*, by virtue of any Law then in Force and unrepealed, or by the Act now in recital, doth consist of, is invested with, or subject to, within the said *Fort William*, or the Kingdoms and Provinces of *Bengal*, *Bahar*, and *Orissa*. And it is, by the Act now in recital, provided, That the Governor and Council of *Madras*, and the Governor General of *Fort William* aforesaid, should enjoy the same Exemption, and no other, from

the Authority of the said Supreme Court of Judicature to be there erected, as is enjoyed by the said Governor General and Council at *Fort William* aforesaid, from the Jurisdiction of the Supreme Court of Judicature there, already by Law established. And it is, by the same Act, further enacted, That if We, Our Heirs, or Successors, should grant such Charter as aforesaid, and erect such Supreme Court of Judicature at *Madras* as aforesaid, all the Records, Muniments, and Proceedings whatsoever, of and belonging to the late Mayor's Court at *Madras*, or to the late Court of Oyer and Terminer and Gaol Delivery, which were, by the said Act passed in the Thirty-seventh Year of Our Reign, directed to be delivered over, preserved, and deposited in the new Courts, erected by virtue of the said Act, and all the Records, Muniments, and Proceedings, whatsoever, of and belonging to any of the said new Courts, should, from and immediately after such Supreme Court of Judicature, as We are thereby empowered to erect, should be established at *Madras*, be delivered over to be preserved and deposited, for safe Custody, in the said Court of Judicature, to which all parties concerned should and might have resort and recourse, upon application to the said Court. And it is, by the same Act, further enacted, That so much of the said Charter, granted by Us for erecting the Court of the Recorder of *Madras*, as relates to the Appointment of such Recorder, and the erecting of such Courts of Judicature at *Madras*, in case a new Charter should be granted by Us, Our Heirs, or Successors, and should be openly published at *Madras*, from and immediately

after such Publication, should cease and determine, and be absolutely void, to all intents and purposes whatsoever; and all Powers and Authorities, granted by the said Act of the Thirty-seventh Year of Our Reign to the said Court of the Recorder of *Madras*, should cease and determine, and be no longer exercised by the said Court: but the same should and might be exercised by the Supreme Court of Judicature, to be erected by virtue of the Act now in recital, in the manner, and to the extent therein-before directed. And that, when the said Supreme Court of Judicature, which We are by the said Act now in recital empowered to erect, should be erected, the *Court of Directors* of the said *United Company* should, and they are thereby required to direct and cause to be paid, certain and established Salaries to the Chief Justice, and each of the Judges of such Supreme Court of Judicature at *Madras*, as should be by the said new Charter established, that is to say: To the Chief Justice, Six Thousand Pounds by the Year, and to each of the Judges of the said Supreme Court of Judicature at *Madras*, Five Thousand Pounds by the Year: And that such Salaries should be paid and payable to each and every of them, respectively, out of the territorial Revenues of the said Settlement of *Madras*, at an Exchange of Eight Shillings for the Pagoda of that Settlement, and should commence and take Place, in respect of such Person or Persons who should be resident in *Great-Britain*, at the time of their appointment, upon and from the Day on which such Person should embark from *Great-Britain*; and that the Salaries of all such Per-

sons who should, at the time of their appointment, be resident in *India*, should commence and take place from and after their respectively taking upon them the execution of their Office, as aforesaid; and that all such Salaries should be in lieu of all Fees of Office, Perquisites, Emoluments, and Advantages, whatsoever; and that no Fees of Office, Perquisites, Emoluments, or Advantages, whatsoever should be received or taken, in any manner, or on any account or pretence whatsoever, other than such Salaries and Allowances as are in and by the Act now in recital directed to be paid, as by the said Act may more plainly and at large appear.

Establishment of a Court of Record, to be called the Supreme Court of Judicature at *Madras*.

Now know ye, That We, upon full Consideration of the Premises, and of Our especial Grace, certain Knowledge, and mere Motion, have thought fit to grant, direct, ordain, and appoint, and by these Presents We do accordingly, for Us, Our Heirs, and Successors, grant, direct, ordain, and appoint, That there shall be, within the Settlement of *Fort St. George*, a Court of Record, which shall be called the *Supreme Court of Judicature at Madras*, We do hereby create, direct, and constitute the said Supreme Court of Judicature at *Madras* to be a Court of Record.

To consist of a Chief Justice, and Two Puisne Justices.

And We do further will, ordain, and appoint, That the said Supreme Court of Judicature at *Madras* shall consist of, and be holden by and before, one principal Judge, who shall be and be called the *Chief Justice of the Supreme Court of Judicature at Madras*, and two other Judges,

who shall be and be called the *Puisne Justices of the Supreme Court of Judicature at Madras;* which Chief Justice and Puisne Justices shall be Barristers, in *England* or *Ireland,* of not less than Five Years standing, to be named and appointed, from time to time, by Us, Our Heirs, and Successors, by Letters Patent, under Our and Their Great Seal of *Great Britain,* whilst such Seal shall be used, and afterwards under Our and Their Great Seal of the United Kingdom of *Great Britain* and *Ireland*: And such Chief Justice and Puisne Justices, and all and every of them, shall hold their said Offices, severally and respectively, during the Pleasure of Us, Our Heirs, and Successors, and not otherwise.

Their Qualification and Mode of Appointment.

AND We do hereby give and grant to Our said Chief Justice, Rank and Precedence above and before all Our Subjects whomsoever, within the Territories subject to the Government of *Fort St. George* aforesaid; excepting the Governor General, for the Time being, of the Presidency of *Fort William* in *Bengal,* and the Governor of *Fort St. George,* for the Time being; and excepting all such Persons as, by Law and Usage, take Place in *England* before our Chief Justice of our Court of *King's Bench,* And We do hereby also give and grant to each of our said Puisne Justices, respectively, according to their respective priority of nomination, Rank and Precedence above and before all Our Subjects whomsoever, within the Territories subject to the Government of *Fort St. George*; excepting the said Governor General, for the time being, of the Presidency

Their Rank.

of *Fort William* in *Bengal*, and the Governor of *Fort St. George*, for the time being; and excepting Our said Chief Justice of Our said Supreme Court of Judicature at *Madras*, and all and every the Member and Members of the Council there; and also excepting all such Persons as, by Law and Usage, take Place in *England* before our Justices of the Court of *King's Bench*.

The Court invested with a Jurisdiction similar to the Jurisdiction of the *King's Bench* in *England*.

And it is Our further Will and Pleasure, that the said Chief Justice, and the said Puisne Justices, shall, severally and respectively, be, and they are all and every of them hereby appointed to be, Justices and Conservators of the Peace, and Coroners, within and throughout the Settlement of *Fort St. George*, and the Town of *Madras*, and the Limits thereof, and the Factories subordinate thereto, and all the Territories which now are, or hereafter may be, subject to, or dependent upon, the Government of *Madras* aforesaid; and to have such Jurisdiction and Authority as our Justices of our Court of *King's Bench* have, and may lawfully exercise, within that Part of *Great Britain* called *England*, as far as Circumstances will admit.

All Acts of the Court to be decided by the Majority of the Judges present, with a casting Voice to the President.

And We do further will and ordain, That all Judgments, Rules, Orders, and Acts of Authority or Power, whatsoever, to be made or done by the said Supreme Court of Judicature at *Madras*, shall be made or done with and by the concurrence of the said Three Judges, or so many or such One of them as shall be, on such occasions, respectively, assembled or sitting as

a Court, or of the major part of them so assembled and sitting. PROVIDED ALWAYS, That in case there shall be only two of such Justices present, and they shall be divided in their Opinions, the Chief Justice, if present, shall have a double or casting Voice; and if the Chief Justice shall be absent, the Matter shall abide the future Judgment of the Court.

The Court is to have a Seal, bearing His Majesty's Arms, which is to be kept by the Chief Justice, or by the Senior.

AND We do further grant, ordain, and appoint, That the said Supreme Court of Judicature at *Madras* shall have and use, as occasion may require, a Seal, bearing a Device and Impression of Our Royal Arms, within an Exergue, or Label, surrounding the same, with this Inscription, "*The Seal of the Supreme Court at Madras.*" And We do hereby grant, ordain, and appoint, That the said Seal shall be delivered to, and kept in the custody, of, the said Chief Justice; and in case of vacancy of the Office of Chief Justice, the same shall be delivered over to, and kept in the custody of, such person who shall then be senior Puisne Judge, during such vacancy. And We do hereby grant, ordain, and appoint, That if it shall happen that the said Seal shall, by any means, come to the hands of any person or persons, other than the Chief Justice, or such person as, for the time being, is hereby authorized to have the custody thereof, the said Supreme Court of Judicature at *Madras* shall be, and is hereby authorized and empowered to demand, seize, and take the said Seal, from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession, other

than the person, for the time being, hereby authorized and required to have the custody thereof; and shall forthwith deliver such Seal to the said Chief Justice, or to such other person as shall be, for the time being, authorized by these Presents to have the custody of such Seal, as aforesaid.

All Writs are to be issued, under the Seal, in the Name of the King.

AND We do hereby further grant, ordain, and appoint, That all Writs, Summonses, Precepts, Rules, Orders, and other mandatory Process, to be used, issued, or awarded by the said Supreme Court of Judicature at *Madras*, shall run and be in the Name and Stile of Us, or of Our Heirs and Successors, and shall be sealed with the Seal of the said Supreme Court of Judicature at *Madras*, and shall have and bear the Attestation of the Chief Justice, or in the vacancy of the said Office, of the senior of the two Puisne Justices, and shall be signed by the proper Officer, whose duty it shall be to prepare and make out the same respectively.

Salaries to the Chief Justice, and other Justices, in lieu of Perquisites.

AND We do further grant, ordain, appoint, and declare, That the said Chief Justice, and the said Puisne Justices, so long as they shall hold their Offices, respectively, shall be entitled to have and receive, respectively, the Salaries in and by the said recited Act of Parliament provided for that purpose; that is to say; the Chief Justice, Six Thousand Pounds by the Year, and the two Puisne Judges, Five Thousand Pounds by the Year, each of them, such Salaries to commence and be paid, and payable at such time and at such exchange, and in such manner and form, as in the said

Act of the Fortieth Year of Our Reign is specified and directed.

And We do hereby ordain, appoint, and declare, That the said Salaries shall be in lieu of all Fees of Office, Perquisites, Emoluments, and Advantages, whatsoever; and that no Fees of Office, Perquisites, Emoluments, and Advantages, whatsoever, other than and except the said Salaries, shall be accepted, received, or taken by such Chief Justice, or the Puisne Justices, in any manner, or on any account or pretence whatsoever. And We do further grant, appoint, and declare, That no Chief Justice, or other Justice of the said Supreme Court of Judicature at *Madras*, during the Time of holding and exercising the said Offices, respectively, shall be capable of accepting, taking, or performing, any other Office, Place, or Employment, of any Denomination whatsoever, on pain that the acceptance of any such other Office, Place, or Employment, shall be and be deemed, in Law, *de facto*, an avoidance of his Office of Chief Justice, or one of the Puisne Justices of the said Supreme Court of Judicature, as the case may be; and the Salary thereof shall cease, and be deemed to have ceased accordingly, from the time of such acceptance of any other Office, Place, or Employment. Nevertheless, in case of one of the Justices of the said Supreme Court of Judicature at *Madras* acting as Recorder of *Bombay*, during a vacancy of such Office of Recorder of *Bombay*, in pursuance of the Provision in the said recited Act of the Fortieth Year of Our Reign for that purpose contained, or in case

And the Judges prohibited from engaging in any other Office or Employment, on Pain of Forfeiture.

all or any of the Justices of said Supreme Court shall be nominated or appointed by Us, Our Heirs, or Successors, Commissioners for the Trial and Adjudication of Prize Causes, and other Maritime Questions, arising in *India*, We ordain and declare, That his or their appointment, as such Justice or Justices of such Supreme Court of Judicature at *Madras*, shall not be vacated, nor shall his or their right to his or their Salary, as such Justice or Justices of the said Supreme Court, be affected, by reason of his exercising the Office of Recorder of *Bombay*, or by reason of his or their acting under any such Commission as aforesaid, nor shall he or they thereby be disabled from accepting the Office of Chief Justice of the said Supreme Court of Judicature at *Madras*.

AND We do hereby constitute and appoint Our trusty and well-beloved Sir *Thomas Andrew Strange*, Knight, to be the first Chief Justice, and Our trusty and well-beloved *Henry Gwillim* and *Benjamin Sullivan*, Esquires, to be the first Puisne Justices of Our said Supreme Court of Judicature at *Madras*, the said Sir *Thomas Andrew Strange* and *Henry Gwillim*, being Barristers in *England*, of Five Years standing and upwards, and the said *Benjamin Sullivan* being a Barrister in *Ireland*, of Five Years standing and upwards.

Provision as to Sheriff.

AND We do further, for Us, Our Heirs, and Successors, grant, ordain, and appoint, That the person who shall be the Sheriff at *Fort St. George* or *Madraspatnam*, at the time of the publication of this Our Charter at the Presi-

dency of *Fort St. George*, shall be and continue the Sheriff, until another shall be duly appointed and sworn into the said Office. And We do further, for Us, Our Heirs, and Successors, grant, direct, and appoint, That the Governor or President and Council of *Fort St. George* aforesaid, for the Time being, or the major part of them (whereof the said Governor or President, or in his absence, the Senior of the Council then residing at *Fort St. George* aforesaid to be one) shall yearly, on the First Tuesday in *December*, or as soon after as may be, assemble themselves, and proceed to the appointment of a new Sheriff for the Year ensuing, to be computed from the Twentieth Day of *December*, next after such appointment; which Sheriff when appointed, shall, as soon as conveniently may be, and before he shall enter upon his said Office, take an Oath, faithfully to execute his Office, and the Oath of Allegiance, before the Governor, or in his Absence, the Senior Member of the Council there present (who are hereby respectively authorized to administer the same) and shall continue in such Office during the Space of One whole Year, to be computed from the said Twentieth Day of *December*, and until another shall be duly appointed and sworn into the said Office. And in Case such Sheriff shall die in his Office, or depart from the *Coast of Coromandel*, then another person shall and may, as soon as conveniently may be after the death or departure of such Sheriff, be, in like Manner appointed and sworn in, as aforesaid, and shall continue in his Office for the Remainder of the Year, and until another Sheriff shall be duly

The Sheriff's duty defined.

appointed and sworn into the said Office. And We do further order, direct, and appoint, That the said Sheriff and his Successors shall, by themselves or their sufficient Deputies, to be by them appointed and duly authorized under their respective Hands and Seals, and for whom he and they shall be responsible during his or their continuance in such Office, execute, and the said Sheriff and his said Deputies are hereby authorized to execute, all the Writs, Summonses, Rules, Orders, Warrants, Commands, and Process of the said Supreme Court of Judicature at *Madras*, and make return of the same, together with the manner of the execution thereof, to the said Supreme Court of Judicature at *Madras*, and to receive and detain in Prison all such persons as shall be committed to the custody of such Sheriff, by the said Supreme Court of Judicature at *Madras*, or by the Chief Justice, or any of the said Puisne Justices of the said Court, respectively.

And the Court is empowered to cause Writs, &c. to be directed to any other Person for Execution, where the Sheriff is interested.

And We do further direct, ordain, and appoint, That whenever the said Supreme Court of Judicature at *Madras*, shall direct or award any Process against the said Sheriff, or award any Process in any Cause, Matter, or Thing, wherein the said Sheriff, on account of his being related to the parties, or any of them, or by reason of any good cause of Challenge, which would be allowed against any Sheriff in that part of *Great Britain* called *England*, cannot or ought not by Law, to execute the same, in every such case the said Supreme Court of Judicature at *Madras* shall name and appoint some other fit person to execute and return the

same; and the said Process shall be directed to the said person so to be named for that purpose, and the cause of such special proceedings shall be suggested and entered on the Records of the said Court.

Court to fix Limits, beyond which the Sheriff is not bound to execute Process, and Provision to execute Process beyond such Limits.

PROVIDED ALWAYS, and We hereby ordain and declare, That the said Supreme Court of Judicature at *Madras* shall fix certain Limits, beyond which the said Sheriff shall not be compelled or compellable to go in person, or by his Officers or Deputies, for the execution of any Process of the said Court: And upon occasions where the Process of the said Court shall be to be executed in any place or places beyond the said Limits so to be fixed, We grant, ordain, and direct, That the Chief Justice, or one of the said Puisne Justices, shall, by Order, subject to the Revision and Controul of the said Court, or the said Court shall, upon motion, direct, by what person or persons, and in what manner, such Process shall be executed, and the terms and conditions which the party issuing the same shall enter into, in order to prevent any improper use or abuse of the Process of the Court. And the said Sheriff shall, and he is hereby required to grant his special Warrant or Deputation to such person or persons, as the said Chief Justice, or one of the Puisne Justices, or the said Court, may direct, for the execution of such Process. And in that case We direct and declare, That the said Sheriff, his Executors or Administrators, shall not be responsible or liable for any Act to be done, in or in any ways respecting the execution of such Process, under and by virtue of such special Warrant: And

any person or persons, being aggrieved under or by pretence of such special Warrant, shall and may seek their remedy, under any Security which may have been directed to be taken upon the occasion, and which the said Court, or the said Chief Justice, or Puisne Justices, are hereby authorized to direct to be taken.

Court to admit Advocates and Attorneys.

And We do hereby further authorize and empower the said Supreme Court of Judicature at *Madras* to approve, admit and enrol, such, and so many Persons, being *bona fide* Practitioners of the Law in the said Court of the Recorder at *Madras*, at the time of the Publication of this Our Charter at *Madras*, or having been admitted Barristers at Law in *England* or *Ireland*, or having been admitted Attorneys or Solicitors in one of our Courts at *Westminster*, or being otherwise capable, according to such Rules and Qualifications as the said Court shall for that purpose make and declare, to act, as well in the character of Advocates as of Attornies in the said Court; and which persons, so approved, admitted, and enrolled, as aforesaid, shall be, and are hereby authorized to appear and plead, and act for the Suitors of the said Court; subject always to be removed by the said Court from their station therein, upon reasonable cause. And We do declare, that no other person or persons whatsoever shall be allowed to appear and plead, or act in the said Supreme Court of Judicature at *Madras*, for and on the behalf of such Suitors, or any of them. Provided always, and We do hereby further ordain and declare, That no person, from and after the date of

these Our Letters Patent, other than the said persons, being *bona fide* Practitioners of the Law in the said Court of the Recorder of *Madras,* at the time of the publication of this Our Charter, shall be capable of being admitted or inrolled, or of practising in the said Court, without the Licence of the said *United Company,* for that purpose first had and obtained.

Appointment of Clerks and other Officers.

And We do further authorize and empower the said Supreme Court of Judicature at *Madras,* from time to time, as occasion shall require, to appoint so many and such Clerks, Registers, Proctors, and other Ministerial Officers, as shall be found necessary for the administration of Justice, and the due execution of all the Powers and Authorities which are and shall be granted and committed to the said Court, by these Our Letters Patent.

Fees to be settled by the Court, subject to the Revision of the Governor of *Fort St. George* in Council.

And We do hereby further authorize and empower the said Supreme Court of Judicature at *Madras,* to settle a Table of the Fees, to be allowed to such Sheriff, Attornies, and all other the Clerks and other Officers aforesaid, for all and every part of the business to be done by them, respectively, which Fees, when approved by the said Governor of *Fort St. George,* in Council (to whom We hereby give authority to review the same,) the said Sheriff, Attornies, Clerks, and other Officers, shall and may lawfully demand and receive. And We do further authorize the said Supreme Court of Judicature at *Madras,* with the like concurrence of the said Governor in Council, from time to time, to vary the said Table of

Fees, as there shall be occasion. And it is Our further Will and Pleasure, and We do hereby require and enjoin the said Court, within one Year after these Our Letters Patent shall have been published at *Madras* aforesaid, and within One Month from the said settling and allowance of the said Table of Fees, to certify, under their several Hands and Seals, and to transmit to the President of the *Board of Commissioners for the Affairs of India,* to be laid before Us, Our Heirs, and Successors, for Our and Their Royal Approbation and Correction, a true copy of the said Table of Fees, together with the approbation of the said Governor in Council, and also any variation of the said Table, to be made as aforesaid, within One Month after the same shall have been so varied. And We further direct and appoint, That the said Table, and the said alteration and variations thereof (if any alteration or variation shall be made) shall be hung up in some conspicuous part of the Hall, or Place, where the said Supreme Court of Judicature at *Madras,* shall be publicly holden.

A true Copy of the Table of Fees to be transmitted to the President of the Board of Commissioners for the Affairs of *India,* to be laid before the King, for his Approbation and Correction.

The Jurisdiction of the Court defined.

And we do further direct, ordain, and appoint, That the Jurisdiction, Powers, and Authorities of the said Supreme Court of Judicature at *Madras,* shall extend to all such persons as have been heretofore described and distinguished in our Charters of Justice for *Madras* by the appellation of *British* Subjects, who shall reside within any of the Factories, subject to, or dependent upon, the Government of *Madras* ; and that the said Court shall be competent and effectual, and shall

have full power and authority to hear and determine all Suits and Actions whatsoever against any of Our said Subjects, arising in Territories subject to, or dependent upon, or which hereafter shall be subject to, or dependent upon, the said Government, or within any of the Dominions of the Native Princes of *India* in Alliance with the said Government, or against any person or persons who at the time when the Cause of Action shall have arisen, shall have been employed by, or shall have been directly or indirectly in the Service of the said *United Company*, or any of the said Subjects of Us, Our Heirs, or Successors. And the said Court hereby established shall have like power and authority to hear, try, and determine all, and all manner of Civil Suits and Actions which, by the authority of any Act or Acts of Parliament might have been heard, tried, or determined by the said Mayor's Court at *Madras* aforesaid, or which may now be heard, tried, or determined by the said Court of the Recorder of *Madras*, and all Powers, Authorities, and Jurisdictions, of what kind or nature soever, which by any Act or Acts of Parliament may be, or are directed to be exercised by the said Mayor's Court, or by the said Court of the Recorder of *Madras*, shall and may be as fully and effectually exercised by the said Supreme Court of Judicature at *Madras*, as the same might have been exercised and enjoyed by the said Mayor's Court, or by the said Court of the Recorder at *Madras*.

As to the Inhabitants of *Madras*.

And We do hereby further direct and ordain, That the said Supreme Court of Judicature at

Madras, shall have full power to hear and determine all Suits and Actions that may be brought against the Inhabitants of *Madras*. Yet nevertheless, in the cases of *Mahomedans* or *Gentoos*, their inheritance and succession to lands, rents, and goods, and all matters of contract and dealing, between party and party, shall be determined, in the case of the *Mahomedans*, by the laws and usages of the *Mahomedans*; and, where the parties are *Gentoos*, by the laws and usages of the *Gentoos*, or by such laws and usages as the same would have been determined by, if the Suit had been brought, and the Action commenced in a Native Court; and where one of the parties shall be a *Mahomedan* or *Gentoo*, by the laws and usages of the Defendant. And in all Suits so to be determined by the laws and usages of the said Natives, the said Courts shall make such Rules and Orders for the conduct of the same, and frame such Process for the execution of their Judgments, Sentences, or Decrees, as shall be most consonant to the religion and manners of the said Natives, and to the said laws and usages respectively, and the easy attainment of the ends of Justice. And in all cases such means shall be adopted for compelling the appearance of Witnesses, and taking their examination, as shall be consistent with the said laws and usages, so that all Suits may be conducted with as much ease, and at as little expence, as shall be consistent with the attainment of substantial Justice.

Certain Persons not to be arrested.

PROVIDED ALWAYS, and We do hereby declare, That nothing in this Charter shall extend,

or be construed to extend, to subject the person of the Governor General of *Fort William*, or the person of the Governor, or any of the Council at the said Settlement, of *Madras*, or the person of the Chief Justice, or any of the Justices respectively for the time being, to be arrested or imprisoned in any Suit, Action, or Proceeding in the said Court; nor shall it be competent for the said Court to hear or determine, or to entertain or exercise Jurisdiction in any Suit or Action against the Governor General of *Fort William*, or the Governor, or any of the Council of the said Settlement, for or on account of any act or order, or any other act, matter, or thing whatsoever, committed, ordered, or done by them in their public capacity, or acting as Governor General, or Governor and Council; nor shall the said Court have or exercise any Jurisdiction, in any matter concerning the revenue, under the management of the said Governor and Council respectively, either within, or beyond the limits of the said Town, or the Forts or Factories subordinate thereto, or concerning any act done according to the usage and practice of the Country, or the Regulations of the Governor and Council. And We further will and declare, That no person shall be subject to the jurisdiction of the said Court, for or by reason of being a Land-Owner, Land-Holder, or Farmer of land, or of land rent, or for receiving a pension or payment in lieu of any title, to, or ancient possession of land, or land rent, or for receiving any compensation or share of profits for collecting rents payable to the Public out of such lands or districts as are actu-

Certain Cases in which the Court shall not have any Jurisdiction.

ally farmed by himself, or those who are his Undertenants, by virtue of the farm, or for exercising within the said lands or farms any ordinary or local authority, commonly annexed to the possession or farm thereof, or for or by reason of his becoming security for the payment of the rents reserved, or otherwise payable out of any lands or farms, or farms of lands, within the Dominions subject to the said Government of *Madras*. And no person, for or by reason of his being employed by the said *Company*, or the Governor and Council, or by any person deriving authority under them, or for or on account of his being employed by a Native, or the Descendant of a Native of *Great-Britain*, shall become subject to the Jurisdiction of the said Court, in any matter of inheritance or succession to goods, or lands, or in any matter of dealing or contract between party and party, except in Actions for wrongs or trespasses only. And provided also, and We do further declare, That no action for wrong or injury shall lie against any person whatever, exercising a Judicial office in any Country Court, for any Judgment, Decree, or Order of such Court, or against any person for any act doneby, or in virtue of the order of such Court. And in case any information is intended to be brought against any such person or officer, the same shall be brought and proceeded in, in the same manner, and to all intents and purposes in the same form, and to the same effect, as such informations are directed to be proceeded in before the Supreme Court of Judicature at *Calcutta* in *Bengal*, by an Act pass-

ed in the Twenty-first Year of Our Reign, entitled "An Act to explain and amend so much "of an Act made in the Thirteenth Year of "the Reign of His present Majesty, entitled, "An Act for establishing certain Regulations "for the better management of the Affairs of "the *East-India Company*, as well in *India* as "in *Europe*, as relates to the Administration "of Justice in *Bengal*, and for the relief of "certain persons imprisoned at *Calcutta* in "*Bengal*, under a Judgment in the Supreme "Court of Judicature, and also for indemni-"fying the Governor General and Council of "*Bengal*, and all Officers who have acted un-"der their orders or authority, in the undue "resistance made to the Process of the Su-"preme Court."

The method of commencing and prosecuting Civil Suits.

AND to the end that Justice may be the more speedily and effectually administered in the said Supreme Court of Judicature at *Madras*, Our Will and Pleasure is, And We do hereby further, for Us, Our Heirs, and Successors, grant, ordain, and appoint, that upon any Cause of Action upon which the said Court can hold plea, it shall be lawful and competent for any person whatever, by himself or his lawful Attorney, duly admitted and inrolled in and by the said Court, in the manner herein provided in that behalf, to prefer to the said Court, and file therein of Record a Plaint or Bill, in writing, containing the Cause of Action or Complaint, whereupon the said Court shall, and is hereby authorized to award and issue a Summons, or Precept in nature of a Summons, in writing, to be prepared in manner above-

mentioned, directed to the said Sheriff, and containing a short notice of the Cause of Action set forth in the said Plaint, and commanding the said Sheriff to summon the person, against whom the said Plaint shall have been filed, to appear at some certain time and place therein to be specified, to answer the said Plaint; which Precept, and the execution thereof, the said Sheriff shall duly return to the said Court, and the person or persons so summoned shall accordingly appear, and may plead such matter in abatement, bar, or other avoidance of the said Plaint, or otherwise as he, she, or they shall be advised; and after such appearance, the said Court shall proceed from time to time, giving reasonable days to the parties to hear their respective allegations, as Justice may require, and examine the truth thereof upon the Oath or Oaths of such competent and credible Witnesses as they shall produce respectively; to which end We hereby authorize and empower the said Court, at the request of either of the said parties, to award and issue a Summons, or Precept in the nature of a Summons, to be prepared in manner before-mentioned, and directed to every one of such Witnesses, commanding him or her to appear at a time and place to be specified in such Summons, to depose his or her knowledge touching the Suit so depending between the parties, naming them, and specifying at whose request such Summons shall have issued; and upon the appearance of the said Witnesses, or any of them, the said Court may, and is hereby required to order and award to them,

Witnesses to be summoned.

and each of them, such reasonable sum of money, for his, her, or their expense, as the said Court shall think fit, whether such Witnesses shall be examined or not; the same to be paid forthwith by the party at whose request the said Summons shall have issued; and if the said sum of money, so ordered and awarded, shall not be forthwith paid or secured to such Witnesses, to the satisfaction of the said Court, the party, to whom it shall belong to pay the same, shall not only lose the benefit of the testimony of such Witnesses, but shall be compelled to pay him or her the money so ordered and awarded, by such ways and process as are herein provided for levying and enforcing the payment and satisfaction of money recovered by Judgments of the said Court. And the said Court is hereby authorized and empowered to administer to such Witnesses, and others, whom they may see occasion to examine, proper Oaths and Affirmations; that is to say, to such persons as profess the Christian Religion, an Oath or Affirmation according to the form used in *England* in like cases; and to others, an Oath or Oaths, or Affirmations, in such manner and form as the said Supreme Court of Judicature at *Madras* shall esteem most binding upon their Consciences respectively. And the said Court is hereby authorized and required to cause such Witnesses, so sworn or affirming, to be examined, touching the matters in question; and in all cases where, by reason of the amount in value of the matter in dispute, an Appeal is allowed, by these Our Letters Patent, from the Judgment or Determination of the said Court

And are to be sworn in such way as may be most binding on their Consciences.

(but not in any cases of less value) the said Supreme Court of Judicature at *Madras* is hereby authorized and required to reduce the depositions of the Witnesses, so to be examined, or cause the same to be reduced, into writing, and subscribed by the several Witnesses, with their names or other mark, and to file the same of Record. And in case any person, so summoned, shall refuse, or wilfully neglect to appear and be sworn, or to affirm, and be examined, and subscribe his or her deposition, as the said Court shall appoint, the said Court is hereby empowered to punish such person, so refusing, or wilfully neglecting, as for a contempt, by fine or by imprisonment, or other corporal punishment, not affecting life or limb.

Witnesses, in Contempt, to be fined or imprisoned.

Proviso, that Native Witnesses are not to be called upon, otherwise than they could be called upon by a Native Court.

PROVIDED ALWAYS, That no person, being a Native of *India*, shall be compelled or compellable, or enforced to appear in the said Court, by virtue of any Summons to appear as a Witness, or to appear in any other manner, or to give testimony, in any other form, than such person could or might have been called upon, to appear and give testimony before any Native Court, according to the laws and usages of the Natives; and no such Native shall be liable to any punishment, for any contempt in not appearing, or submitting to be sworn and examined, in any other form or manner than such person could or might have been called upon, to appear and give testimony before any such Native Court.

The Court to give Judgment

AND We do further give to the said Supreme

Court of Judicature at *Madras* full power and authority, upon examining and considering the several allegations of the said parties to such Suit, or of the Complainant alone, in case the Defendant should make default after appearance, or say nothing, or confess the Plaint, and on examining and considering the depositions of the Witnesses, to give Judgment and Sentence, according to justice and right, and also to award and order such Costs to be paid by either, or any of the parties, to the other or others, as the Court shall think just.

according to Justice and Right.

AND We do further authorize and empower the said Supreme Court of Judicature at *Madras* to award and issue a Writ, or Writs, or other Process of execution, to be prepared in manner before mentioned, and directed to the said Sheriff, for the time being, commanding him to seize and deliver the possession of houses, lands, or other things, recovered in and by such Judgment, or to levy any sum of money which shall be so recovered, or any Costs which shall be so awarded, as the case may require, by seizing and selling so much of the houses, lands, debts, or other effects, real and personal, of the party or parties against whom such Writs shall be awarded, as will be sufficient to answer and satisfy the said Judgment, or to take and imprison the body or bodies of such party or parties, until he, she, or they shall make such satisfaction, or to do both, as the case may require. And We direct and appoint, That the several debts, to be seized as aforesaid, shall from the time the same shall be extended and returned

And to award Execution against the goods, lands, or person of the Debtor.

into the said Supreme Court, be paid and payable, in such manner and form as the said Court shall appoint, and no other; and such payment, and no other, shall, from thenceforth, be an absolute and effective discharge for the said debts, and every of them respectively.

And to make interlocutory Orders.

And We do hereby further authorize and empower the said Supreme Court to make such further and other Interlocutory Rules and Orders, as the justice of the proceeding may seem to require. And in case the party, so summoned as aforesaid, shall not appear upon the return of such Summons, or Precept, as aforesaid, according to the exigence thereof, or if the Cause of Action as contained in such Plaint, as aforesaid, shall exceed the value of fifty Pagodas, or shall be in the nature of an enormous personal wrong; and in either or any of the said cases, the said Court, or the Chief Justice, or any of the Justices of the said Court, shall be satisfied, by Affidavit or Affirmation, to be filed of Record, that the case is such as to require security, then, after return of such Summons, or in lieu thereof, the said Court, or the Chief Justice, or any of the Justices of the said Court, (the orders and acts of the said Chief Justice and Justices, or any of them, in this respect, out of Court, to be subject to the review and controul of the Court) is hereby authorized and empowered to award and issue a Writ, or Warrant, directed to the said Sheriff, commanding him to arrest and seize the body of such Defendant, and to have the same, at a time and place in the said Writ to be specified, before the said Court, to answer the said Plaint. And the said Court may, in

and by the said Writ or Warrant, authorize the said Sheriff to deliver the body of such Defendant, so arrested, to sufficient Bail, that such Defendant shall appear, at a time and place mentioned in such Writ or Warrant, and in all things perform and fulfil the exigence thereof: And upon the appearance of such Defendant, in and before the said Court, We do hereby authorize and empower the said Court to commit him to prison, to the said Sheriff, unless and until he shall give Bail, to the satisfaction of the said Court, for paying the debt, damages, and costs, which shall be recovered against him in such Action, or for rendering himself to prison: and in default thereof, that the Bail will pay such debt, damages, and costs for him; which Bail we hereby empower the said Court to take, and thereupon to deliver the body of the said Defendant to Bail. And if the said Sheriff shall make return upon either of the said Writs of Summons, or Capias, that the Defendant is not to be found within the Jurisdiction of the said Court, and the Plaintiff, or some other person, shall, by Affidavit, or in the case of a Quaker, by Affirmation, in writing or otherwise, to the satisfaction of the said Court, make proof, verifying the Plaintiff's demand, We do hereby grant, ordain, and appoint, That the said Court shall and may award and issue a Writ, in the nature of a Writ of Sequestration, to be prepared in manner above-mentioned, and directed to the said Sheriff, commanding him to seize and sequester the houses, lands, goods, effects, and debts of such Defendant, to such value as the said Court shall think reasonable

And in certain Cases to hold to Bail.

Effects of Defendant, not appearing or not to be found, may be sequestered.

and adequate to the said Cause of Action, so verified as aforesaid, and the same to detain, till such Defendant shall appear, and abide such Order of the said Court, as if he had appeared on the former Process. And the said Court shall and is hereby authorized and empowered, according to their discretion, either to cause the said goods to be detained in specie, or to be sold, and to give day to such Defendant, by Proclamation, in open Court, from time to time, not exceeding Two Years in the whole; and if such Defendant shall not appear on the last day, which the said Court, in their discretion, shall think proper to give, it shall be lawful, and the said Court is hereby authorized to proceed, *ex parte*, to hear, examine, and determine the said Plaint and Suit, or Cause of Action, and to give such Judgment therein, and award and order such Costs, as aforesaid. And if Judgment shall, in such case, pass for the Plaintiff, the said Court is hereby authorized and empowered to award and issue a Writ to the said Sheriff, to be prepared in manner above-mentioned, commanding him to sell the said houses, lands, goods, effects, and debts, so seized and sequestered, and to make satisfaction out of the produce thereof, to the Plaintiff, for the duty or sum so recovered, and his Costs, and to return the overplus, if any there be, after satisfying the said Judgment and Costs, and the expences of the said sequestration, to such person, in whose possession the said effects were seized, or otherwise to reserve the same, for the use of the said Defendant, as occasion shall require. And if such effects shall not be

And the goods sold to pay the debt when adjudged, which after a time the Court may do *ex-parte*.

And if insufficient further

sufficient to produce the sum so to be recovered, and the said Costs, the said Court is hereby further empowered to award and issue such Process of execution for the deficiency, as is herein provided for levying money recovered by Judgment, and Costs; and if Judgment shall, in such last-mentioned case, pass for the Defendant, the said Court is authorized and empowered to award and order the Costs of the said Suit, and the expence of the said sequestration, and all damages occasioned thereby to be paid by the said Plaintiff to the said Defendant, or his Attorney, or the person in whose possession the said effects were seized; the same to be levied by such Process as is hereinbefore provided for levying Costs: And the said debts, from the time of their being so seized and extended, and returned into Court, shall be payable in such a manner as the said Court shall direct, and no other.

execution may be awarded.

And We do hereby further will, direct, and ordain, That the said Court, hereby established, shall frame such Process, and make such Rules and Orders for the execution of the same, in all Suits, civil and criminal, to be commenced, sued, or prosecuted, within their Jurisdiction, as shall be necessary for the due execution of all or any of the Powers hereby committed thereto, with an especial attention to the religion, manners, and usages of the Native Inhabitants, living within it's Jurisdiction, and accommodating the same to their religion, manners, and usages, and to the circumstances of the Country, so far as the same can consist with the due execution of law, and the attainment of substantial Justice.

Court empowered to frame Rules and Process.

Forms of Process, and Rules and Orders, to be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before the King, for his Approbation and Correction.

PROVIDED ALWAYS, and We do hereby further ordain and direct, That all forms of Process, and Rules and Orders for the execution thereof, which shall be framed by the said Court, shall be transmitted, from time to time, by the first convenient opportunity, after the same shall be so framed, to the President of the *Board of Commissioners for the Affairs of India*, to be laid before Us, Our Heirs, or Successors, for Our and Their Royal Approbation, Correction, or Refusal: And We ordain and direct, That such Process shall be used, and such Rules shall be observed, until the same shall be repealed or varied; and in the last case, with such variation as shall be made therein.

Provision for the Prosecution of Suits against the *East-India Company*. The Governor and Council of *Fort St. George* are to appoint an Attorney for the *Company*.

AND We do hereby, for Us, Our Heirs, and Successors, further grant, ordain, and appoint, That the said Governor and Council of *Fort St. George*, and their Successors, shall and may, from time to time, by their sufficient Warrant to be filed of Record in the said Supreme Court of Judicature at *Madras*, name and appoint some sufficient person, resident in the said Town of *Madraspatnam*, to be the Attorney of the said *United Company*, who shall remain and act as Attorney to the said *Company*, so long as he shall reside in the said Town, or until some other fit person, there resident, shall be appointed in his place, in manner above-mentioned. And if any such Plaint, as aforesaid, shall be filed in the said Court against the said *Company*, the said Court may and is hereby empowered to award and issue such Summons or Precept, as aforesaid, directed to the said Sheriff, commanding him to summons

the said *Company*, by their said Attorney, to appear, at the time and place therein to be specified, to answer to the said Plaint; and the Sheriff shall serve the same upon the said Attorney; and the said Attorney shall thereupon appear for the said *Company* : and if the said *Company* shall not appear, in manner aforesaid, upon the return of the said Writ, the said Court may, and is hereby authorized, upon such default, to award and issue a Writ, to be prepared in manner above-mentioned, and directed to the said Sheriff, commanding him to seize and sequester such and so much of the estate and effects of the said *Company*, as, upon the circumstances, the said Court shall think fit, to compel the appearance of the said *Company*, at the time and place which shall be specified for that purpose, in such Writ of Sequestration; and, for default of appearance upon the return of such last-mentioned Writ, the said Court may, and is hereby empowered to issue such other Writ or Writs of Sequestration, until an appearance of the said *Company* shall be duly entered and recorded in the said Court: and, after such appearance, the said Court shall and may proceed to hear and examine, try and determine the said Action and Suit, in manner before-mentioned. And if Judgment shall be given in such Action or Suit against the said *Company*, the said Court may, and is hereby empowered to award and order reasonable Costs to be paid by the said *Company*, and to cause the Debt or Damages and Costs, so awarded, to be raised and levied of the estates, goods, and chattels of the said *Company*, in such manner as is herein-before provided, for

execution to be had in other Actions and Suits. And if the said Governor and Council shall refuse or neglect, at any time, to make and appoint such Attorney of Record, the said Court is hereby empowered and authorized to name an Attorney for the said *Company*, upon Record, upon whom Process shall, in like manner, be served.

In default whereof, the Court may name one.

AND the said *Company* may also sue in the said Supreme Court of Judicature at *Madras*, in the same manner, and to the same effect, as any other persons, within the Jurisdiction thereof, can or may do; and if Judgment shall be given against the said *Company*, the said Court of Judicature may order reasonable Costs to be paid by them to the Defendant, and to be raised and levied out of their lands, houses, debts, estates, goods, and chattels, in such manner as is herein provided for execution of Judgment on other occasions. And if the said *Company*, after four Sequestrations, and after the expiration of Two Years from the service of the Summons above-mentioned, shall not appear, then the said Court may, and is hereby required, if the Plaintiff or Plaintiffs shall, by Affidavit (or, being a Quaker, by Affirmation, in writing or otherwise), to the satisfaction of the said Court, make proof, verifying his, her, or their demand, proceed to hear, examine, try, and determine the said Plaint and Cause, and to give such Judgment therein, and award such Costs, as aforesaid; and, in case Judgment shall pass for the Plaintiff, the said Court is hereby authorized and empowered to award and issue a Writ to the said Sheriff, to be prepared in manner before-mentioned, commanding him to sell the goods and effects, so seized

The *Company* may sue in the Court as any other persons.

and sequestered, and to make satisfaction, out of the produce thereof, to the Plaintiff or Plaintiffs, for the Debt so recovered, and his, her, or their Costs, and to return the overplus (if any there be) after satisfying the said Judgment and Costs, and expences of the said Sequestration, to such person or persons, in whose possession the said effects were so seized, to and for the use of the said *United Company*: and if such effects shall not be sufficient to produce the sum so to be recovered, and the said Costs, the said Court is further empowered to award and issue such Process of Execution for the deficiency, as is herein provided for levying money recovered by Judgment, and Costs. And if Judgment shall, in any case, pass for the said *Company*, the said Court is hereby authorized and empowered to award and order the Costs of the said Suit, and the expences of the said Sequestration, and all the Damages occasioned thereby (the same being first taxed, ascertained, and attested, by the proper Officers) to be paid by the said Plaintiff or Plaintiffs, to the person or persons in whose possession the said effects were seized, to and for the use of the said *Company*; and the same shall be levied by such Process as is herein-before provided for levying Costs.

An equitable Jurisdiction is then given to this Court, similar to the Court of Chancery.

And it is Our further Will and Pleasure, and We do hereby for Us, our Heirs, and Successors, grant, ordain, and establish, That the said Supreme Court of Judicature at *Madras* shall also be a Court of Equity, and have equitable Jurisdiction over the person or persons herein-before described and specified, or limited

for it's ordinary civil Jurisdiction as aforesaid, subject to the restrictions and exceptions herein-before, in that behalf, expressed or contained, and not otherwise; and shall and may have full Power and Authority to administer Justice, in a summary manner, according, or as near as may be, to the Rules and Proceedings of Our High Court of Chancery in *Great Britain*. And upon a Bill filed to issue Subpœnas and other Process, under the Seal of the said Court, to compel the appearance, and answer upon oath, of the parties therein complained against, and obedience to the Decrees and Orders of the said Court of Equity, in such manner and form, and to such effect, as Our High Chancellor of *Great Britain* doth or lawfully may, under Our Great Seal of *Great Britain*, or as near the same as the circumstances and condition of the places and persons under their Jurisdiction, and the laws, manners, customs, and usages of the Native Inhabitants, will admit.

With similar authority over the persons and estates of Infants and Lunaticks.

AND We do hereby authorize the said Supreme Court of Judicature at *Madras*, to appoint Guardians and Keepers for Infants, and their estates, according to the order and course observed in that part of *Great-Britain* called *England*; and also Guardians and Keepers of the persons and estates of natural fools, and of such as are or shall be deprived of their understanding or reason, by the act of GOD, so as to be unable to govern themselves and their estates, which We hereby authorize and empower the Supreme Court of Judicature at *Madras* to enquire, hear, and determine, by inspection of

the person, or by such other ways and means, by which the truth may be best discovered and known.

Also criminal Jurisdiction as a Court of Oyer and Terminer.

And it is Our further Will and Pleasure, and We do hereby grant, order, ordain, and appoint, That the said Supreme Court of Judicature at *Madras* shall also be a Court of Oyer and Terminer and Gaol Delivery, in and for *Fort St. George*, and the Town of *Madras* and the limits thereof, and the Factories subordinate thereto, and shall have and be invested with the like Power and Authority, as Commissioners or Justices of Oyer and Terminer and Gaol Delivery have, or may exercise, in that part of *Great Britain* called *England*, to enquire, by the oaths of good and sufficient men, of Treasons, Murders, and other Felonies, Forgeries, Perjuries, Trespasses, and other Crimes and Misdemeanors, heretofore had, made, done, or committed, or which shall hereafter be had, done, or committed, within *Fort St. George*, and the said Town of *Madras*, or the limits thereof, or the Factories subordinate thereto: and for that purpose to issue their Warrant or Precept, to be prepared in manner above mentioned and directed to the said Sheriff, commanding him to summon a convenient number, therein to be specified, of the principal Inhabitants, resident in *Fort St. George*, or the said Town of *Madras*, being persons so heretofore described and distinguished as *British* Subjects of Us, Our Heirs, and Successors, as aforesaid, to attend and serve, at a time and place therein also to be specified, as a Grand Jury, or Inquest, for Us, Our Heirs, and Successors, and present

to the said Court, such Crimes and Offences as shall come to their knowledge, and the said Crimes and Offences to hear and determine, by the oaths of other good and sufficient men, being persons so heretofore described and distinguished as *British* Subjects of Us, Our Heirs, and Successors, and resident in *Fort St. George*, or the said Town of *Madras*, or the limits thereof, or the Factories subordinate thereto: and for that purpose to issue a Summons or Precept, prepared in such manner as is herein-before mentioned, and directed to the said Sheriff, commanding him to summon a convenient number, to be therein specified, of such persons so heretofore described and distinguished, as *British* Subjects, as aforesaid, to try the said Indictment or Inquest. And if any person or persons to be summoned upon such Grand or Petit Jury, as aforesaid, shall refuse or neglect to attend, according to such Summons, and be sworn upon inquest, We do hereby further empower the said Supreme Court of Judicature at *Madras* to punish the said contempt, by fine, or by imprisonment for a reasonable time, to be limited, or by both. And We do further empower the said Supreme Court of Judicature at *Madras*, in like manner, and under the like penalties, to cause all such Witnesses as Justice shall require, to be summoned, and to administer to them, and each of them, the proper Oaths, that is to say; to such as profess the Christian Religion, an oath in such manner and form as the same would have been administered in *England*; and to others, such oaths, and in such manner, as the said Court shall

esteem to be most binding upon their Consciences; and to proceed to hear, examine, try, and determine the said Indictments and Offences, and to give Judgment thereupon, and to award execution thereof, and in all respects to administer criminal Justice, in such or the like manner and form, or as nearly as the condition and circumstances of the place and the persons will admit of, as Our Courts of Oyer and Terminer and Gaol Delivery do, or may in that part of *Great Britain* called *England*, due attention being had to the religion, manners, and usages of the Native Inhabitants.

Criminal Jurisdiction, as to Offences committed by any of the King'sSubjects in the Territories of foreign Princes.

And We do further authorize and empower the said Supreme Court of Judicature of *Madras*, in like manner, to enquire, hear, and determine, and to award Judgment and Execution, of, upon, and against all Treasons, Murders, Felonies, Forgeries, Perjuries, Crimes, Extortions, Misdemeanors, Trespasses, Wrongs, and Oppressions, had, done, or committed, or which shall hereafter be had, done, or committed, by any of Our Subjects, in any of the Territories subject to, or dependent upon, the Government of *Madras*, or within any of the Territories which now are, or hereafter may be, subject to, or dependent upon the said Government, or within any of the Dominions of the Native Princes of *India*, in Alliance with the said Government; and for that purpose to award and issue a Writ or Writs to the said Sheriff, prepared in manner before-mentioned, commanding him to arrest and seize the body or bodies of such offender or offenders, and bring him or them to *Fort St. George* aforesaid, and

him or them to keep, until he or they shall be delivered by due course of law, and to do all other acts which shall be necessary, as well for the due Administration of criminal Justice, as for any other purpose or purposes, in as ample manner and form as might have been done by the Court of Oyer and Terminer at *Fort St. George*, as established by the said Charter of Justice, so granted, as aforesaid, by Our said Royal Grandfather, or by the said Charter so granted by Us, as herein-before mentioned, or by virtue, or under the authority of any Act or Acts of Parliament, relative thereto, and in such manner and form, as nearly as the circumstances and condition of the case will admit of, as Our Court of Oyer and Terminer and Gaol Delivery may do, in that part of *Great Britain* called *England*. And We further ordain and establish, That in any case it shall not be lawful for any Offender to object to the locality of the Jurisdiction of the Court, or of the Grand or Petit Jury, summoned as hereby directed; but he shall be indicted, arraigned, tried, convicted, and punished, or acquitted or demeaned, in all respects, as if the Crime had been committed within *Fort St. George*, or the Town of *Madras*, or the limits thereof, or the Factories subordinate thereto.

Exception of the Governor and Council of *Fort Saint George*, in certain cases, from the criminal Jurisdiction.

PROVIDED ALWAYS, and We do hereby declare, That the said Court shall not be competent to hear, try, and determine, any Indictment or Information against the Governor General of *Fort William* in *Bengal*, or the Governor, or any of the Council of *Fort St. George*, not being for Treason or Felony, which

the Governor General, Governor, or any of the Council, shall or may be charged with having committed, within the Jurisdiction of the same.

The Court of Oyer and Terminer may reprieve Execution of any capital Sentence, until the King's Pleasure is known.

And whereas cases may arise, wherein it may be proper to remit the general severity of the law, We do hereby authorize and empower the said Court of Oyer and Terminer and Gaol Delivery, to reprieve and suspend the execution of any capital Sentence, wherein there shall appear, in the Judgment of the said Court, a proper occasion for Mercy, until Our Pleasure shall be known: And the said Court shall, in such case, transmit to Us, under the Seal of the said Court, a state of the case, and of the evidence, and of the reasons for recommending the Criminal to Our Mercy, or for such Reprieve or Suspension, as the case may be; in the mean time the said Court shall cause such Offender to be kept in strict custody, or deliver him or her out to sufficient Bail or Mainprize, as the circumstances shall seem to require.

The Court to exercise Ecclesiastical Jurisdiction.

And it is Our further Will and Pleasure, and We do hereby for Us, Our Heirs, and Successors, grant, ordain, establish, and appoint, That the said Supreme Court of Judicature at *Madras* shall be a Court of Ecclesiastical Jurisdiction, and shall have full Power and Authority to administer and execute, within and throughout *Fort St. George*, and the Town of *Madras*, and the limits thereof, and the Factories subordinate thereto, and all the Territories which now are, or hereafter may be,

subject to, or dependent upon, the said Government, and towards and upon all persons, so described and distinguished by the appellation of *British* Subjects, as aforesaid, there residing, the Ecclesiastical Law, as the same is now used and exercised in the Diocese of *London*, in *Great-Britain*, so far as the circumstances and occasion of the said Fort, Town, Territories, and People shall admit or require: And to that purpose, We give and grant to the said Supreme Court of Judicature at *Madras* full Power and Authority to take cognizance of, and proceed in all Causes, Suits, and Business, belonging and appertaining to the Ecclesiastical Court, before the said Supreme Court of Judicature at *Madras*, in whatsoever manner to be moved, as well at the instance or promotion of parties as of offices, mere or mixed, against any of the said Subjects, residing in the said Fort, Town, Territories, or Districts, and which, by the Law and Custom of the said Diocese of *London*, are of Ecclesiastical Cognizance; And the said Causes, Suits, and Business, with their incidents, emergents, and dependents, and whatsoever is thereto annexed and therewith connected, to hear, dispatch, discuss, determine: And also, to grant Probates under the Seal of the said Court of the said Recorder of *Madras*, of the last Wills and Testaments of all or any of the said Subjects of Us, Our Heirs, and Successors, dying and leaving personal effects, within the said Territories or Districts, respectively, and of all persons who shall die or have effects within the places aforesaid; and to commit Letters of Administration, under the Seal of

and grant Probates of Wills, and Letters of Administration, of persons dying or having effects within it's Jurisdiction.

the said Court, of the goods, chattels, credits, and all other effects whatsoever, of the persons aforesaid, who shall die intestate, or who shall not have named an Executor, resident within the said Fort, Town, Territories, or Districts, or where the executor, being duly cited, according to the form generally used for that purpose in the said Diocese of *London*, shall not appear, and sue forth such Probate, annexing the Will to the said Letters of Administration, when such person shall have left a Will without naming any Executor, or any person for Executor, who shall then be alive and resident within the said Fort, Town, Territories, or Districts, and who, being duly cited thereunto, will appear and sue forth a Probate thereof; and to sequester the goods and chattels, credits, and other effects whatsoever, of such persons, so dying, in cases allowed by law, as the same is and may now be used in the said Diocese of *London*; and to demand, require, take, hear, examine, and allow, and if occasion require, to disallow and reject the account of them, in such manner and form as is now used, or may be used, in the said Diocese of *London*; and to do all other Things whatsoever, needful and necessary in that behalf.

PROVIDED ALWAYS, and We do hereby authorize and require the said Supreme Court of Judicature at *Madras*, in such cases as aforesaid, where Letters of Administration shall be committed with the Will annexed, for Want of an Executor appearing, in due time, to sue forth the Probate, to reserve in such Letters of Administration full Power and Authority to revoke

the same, and to grant Probate of the said Will to such Executor, whenever he shall appear and sue forth the same. AND We do hereby further authorize and require the said Supreme Court of Judicature at *Madras* to grant and commit such Letters of Administration, according to the course now used, or which lawfully may be used in the said Diocese of *London*, to the lawful next of Kin of such persons so dying, as aforesaid. And, in case no such person shall then be residing within the Jurisdiction of the said Court, or being duly cited, shall not appear and pay the same, to the principal Creditor of such person, or such other Creditor as shall be willing or desirous to obtain the same; and for want of any Creditor appearing, then to the Registrar of the said Court, in such manner, and subject to such power of revocation, as in and by the said recited Act of Parliament, passed in the Fortieth Year of Our Reign, is for that purpose provided.

Administrators are to give Security, by Bond, for duly administering effects as in the Diocese of *London*.

AND We do hereby further enjoin and require, That every person, to whom such Letters of Administration shall be committed, other than the Registrar of the said Court, taking Administration under the authority of the said Act of the Fortieth Year of Our Reign, shall, before the granting thereof, give sufficient Security, by Bond, to the Registrar, or Chief Clerk of the said Supreme Court of Judicature at *Madras*, for the payment of a competent sum of money, with Two or more able Sureties (respect being had in the sum therein to be contained, and in the ability of the Sureties to the

value of the estate, credits, and effects of the deceased); which Bond shall be deposited in the said Court, among the Records thereof, and there safely kept; and a copy thereof shall be also recorded among the Proceedings of the said Court; and the condition of the said Bond shall be to the following effect:
"That if the above-bounden Administrator
" of the goods, and effects of the deceas-
" ed, do make, or cause to be made, a true
" and perfect Inventory of all and singular
" the goods, chattels, credits, and effects of
" the said deceased, which have or shall come
" to the hands, possession, or knowledge of
" him the said Administrator, or the hands or
" possession of any other person or persons, for
" him; and the same, so made, do exhibit, or
" cause to be exhibited, into the Supreme
" Court of Judicature at *Madras*, at or before
" a day therein to be specified, and the same
" goods, chattels, credits, and effects of the
" deceased, at the time of his death, or which,
" at any time afterwards, shall come to the hands
" or possession of such Administrator, or to the
" hands or possession of any other person, or
" persons, for him, shall well and truly adminis-
" ter, according to Law; and further shall
" make, or cause to be made, a true and just
" account of his said Administration, at or
" before a time therein to be specified; and
" all the rest and residue of the said goods,
" chattels, credits, and effects, which shall
" be found remaining upon the said Adminis-
" tration account, the same being first ex-
" amined and allowed of by the said Supreme
" Court of Judicature at *Madras*, shall deliver

" and pay unto such person or persons respectively, as shall be lawfully entitled to " such residue; then this Obligation to be " void and of none effect, or else to remain in " full force and virtue." And, in case it shall be necessary to put the said Bond in Suit, for the sake of obtaining the effect thereof, for the benefit of any person or persons who shall appear to the said Supreme Court to be interested therein, such person or persons, from time to time, paying all such Costs as shall arise from the said Suit, or any part thereof, such person or persons shall, by order of the said Court, be allowed to sue the same, in the name of the said Obligee, and the said Bond shall not be sued in any other manner. And we do hereby authorize and empower the said Supreme Court of Judicature at *Madras* to order that the said Bond shall be put in Suit, in the name of the said Registrar or Chief Clerk, or his Executors or Administrators, whom we also authorize the said Court to name and appoint for that special purpose.

In what cases the Bond may be put in Suit.

The Court may grant Administration of Effects at the Settlement, though left by Persons who died out of the Settlement.

And WHEREAS many persons, possessed of, or entitled to, money or effects, within the limits of the Jurisdiction hereby given to the said Supreme Court of Judicature at *Madras*, may die in other Parts or Countries, in aid, therefore, of the Executors or next of Kin, and Creditors of the persons so dying, not within the said limits, We further, for us, Our Heirs, and Successors, grant and ordain, That the said Supreme Court of Judicature at *Madras* shall and may grant such Probates of Wills, and Letters of Administration, of any person dying

out of the limits of the said Jurisdiction, and leaving effects within the said limits, as the said Court is authorized to grant, in case of a person dying within the said limits, so far as may relate to such money or effects, as the person, so dying, was possessed of, or entitled to, at the time of his decease, within the limits of their said Jurisdiction, and no farther.

The Supreme Court to be a Court of Admiralty.

AND it is Our further Will and Pleasure, and We do hereby grant, ordain, establish, and appoint, That the said Supreme Court of Judicature at *Madras* shall be a Court of Admiralty, in and for *Fort Saint George*, and the said Town of *Madras*, and the limits thereof, and the Factories subordinate thereto, and all the Territories which now are, or hereafter may be, subject to, or dependent upon, the said Government. And We do hereby commit and grant to the said Supreme Court of Judicature at *Madras*, full Power and Authority to take cognizance of, hear, examine, try, and determine, all Causes, civil and maritime, and all Pleas of Contracts, Debts, Exchanges, Policies of Assurance, Accounts, Charter-parties, Agreements, Loading of Ships, and all Matters and Contracts which, in any manner whatsoever, relate to Freight or Money due for Ships hired and let out, transport Money, maritime Usury, Bottomry, or Respondentia, or to Extortions, Trespasses, Injuries, Complaints, Demands, and Matters civil and maritime, whatsoever, between Merchants, Owners, and Proprietors of Ships and Vessels, employed or used within the Jurisdiction aforesaid, or between others, contracted, done, had, or commenced, in, upon,

or by the High Seas, or public Rivers, or Ports, Creeks, Harbours, and Places overflown, within the ebbing and flowing of the Sea and high-water Mark, within, about, and throughout the Fort, Town, Factories, and Territories aforesaid, the cognizance whereof doth belong to the Jurisdiction of the Admiralty, as the same is used and exercised in that part of *Great Britain* called *England*, together with all and singular their incidents, emergents, and dependencies, annexed and connexed causes whatsoever; and to proceed summarily therein, with all possible dispatch, according to the course of our Admiralty of that part of *Great Britain* called *England*, without the strict formalities of law, considering only the truth of the fact, and the equity of the case.

Further Power, with regard to Crimes maritime.

AND We do further commit to the said Supreme Court of Judicature at *Madras*, full Power and Authority to enquire, hear, try, examine, and determine, by the oaths of honest and lawful men, being persons so heretofore described and distinguished as *British* Subjects, and not otherwise, all Treasons, Murders, Piracies, Robberies, Felonies, Maimings, Forestalling, Extortions, Trespasses, Misdemeanors, Offences, Excesses and Enormities, and maritime Crimes whatsoever, according to the laws and customs of the Admiralty, in that part of *Great Britain* called *England*, done, perpetrated, or committed, upon the High Seas: and to fine, imprison, correct, punish, chastise, and reform, parties guilty, and all Violators of the Law, Usurpers, Delinquents, contumacious Absenters, Masters of Ships, Mariners, Rowers,

To punish Offenders,

Fishers, Shipwrights, and other Workmen, exercising any kind of maritime affairs, according to the said civil and maritime Laws, Ordinances, and Customs, and their respective demerits; and to deliver and discharge persons imprisoned in that behalf, who ought to be delivered, and to take Recognizances, Obligations, Stipulations, and Cautions, as well to Our Use, as at the instance of other parties, and to put the same in execution, or to cause or command them to be executed; and also to arrest, or cause or command to be arrested, according to the civil law, and the ancient customs of our High Court of Admiralty, in that part of *Great Britain* called *England*, all ships, persons, things, goods, wares, and merchandizes, for the premises, and every of them, and for other causes whatsoever, concerning the same, wheresoever they shall be met with or found, in or throughout the said Districts and Jurisdictions aforesaid; and to compel all manner of persons, in that behalf, as the case shall require, to appear and answer in the said Court, with power of using any temporal coercion, and inflicting mulcts and penalties, according to the laws and customs aforesaid; and moreover to compel Witnesses, in case they shall withdraw themselves for interest, fear, favour, or ill-will, or other cause whatsoever, to give evidence to the truth, in all and every cause or causes above mentioned, according to the exigencies of the laws, and to proceed in such cause or causes, according to the civil and maritime laws and customs, as well at the instance or promotion of parties, as of office, mere or mixed, as the case may require; and to promulge and interpose all manner of Sentences and Decrees,

Deliver and discharge.

May arrest Ships.

To compel persons to appear, under penalties.

Witnesses to answer.

According to the Law, civil and maritime, as now is used in *Great Britain*.

and to put the same in execution, according to the course and order of the Admiralty, as the same is now used in that part of *Great Britain* called *England*. PROVIDED ALWAYS, That the several Powers and Authorities, herein given to the said Court to proceed in maritime causes, and according to the Laws of the Admiralty, as herein expressed, shall extend, and be construed to extend, only to such persons as, pursuant to the provisions herein-before contained, are, and would be amenable to the said Supreme Court of Judicature at *Madras* in it's ordinary Jurisdiction.

Affidavits and Affirmations how to be taken.

And we do hereby ordain and appoint, That all Affidavits taken, in the said Court of Judicature at *Madras*, or before any Judge thereof, shall be made on oaths, administered in such form and manner as is before directed, in the case of Witnesses to be examined before the said Court. Provided nevertheless, That in all civil cases, the Affirmation, in writing, of a Quaker, which the said Court, or any Judge of the said Court, as the case may require, are hereby authorized and empowered to take, shall be of the same weight, authority, and effect, as an Affidavit upon oath.

Power for the Court to appoint Commissioners to take Affidavits, &c.

AND We do hereby further will, ordain, and declare, That it shall and may be lawful, to and for the said Supreme Court of Judicature at *Madras*, in any part of it's Jurisdiction, whether Common Law, Equity, Ecclesiastical or Admiralty, by Commission or Commissioners, under the Seal of the said Court, to authorize and appoint any fit or proper person or persons,

either generally, or in any particular case, or for one, or more turn or turns only, to receive the Acknowledgments of Recognizances of Bail and Bail Process, and to administer oaths for the justification of Bail, and for the taking of any Affidavit or Affirmation, or for receiving and taking the Answer, Plea, Demurrer, Disclaimer, or Examination of any party or parties to any Suit, or for the examination of any Witness or Witnesses, upon interrogatories, either *de bene esse* or in chief, or any other occasion, and for the swearing Executors and Administrators in any Suit, Matter, or Proceeding, which may be pending, or about to be instituted in the said Court, upon such occasions as the said Court shall think fit to issue such Commissions. And We direct and ordain, That such Commission and Commissions, so to be issued, shall respectively be executed, acted under, and returned, if the same shall require any return, in such manner and form, as such matters are usually transacted by Commissions, general or special, issued out of Our Court of King's Bench at *Westminster*, or Our High Court of Chancery, or the Ecclesiastical Court of the Diocese of *London*, or Our High Court of Admiralty in *England* respectively. PROVIDED ALWAYS, That nothing herein contained shall extend to authorize or empower the issuing of any Commission or Commissions, for the examination of any Witness or Witnesses, upon any indictment or information for any offence whatsoever, to be tried and determined by and before the said Court.

Suitor's money and securities

And We do further will and ordain, That all

to be deposited with the Company's cash.

the monies, securities, and effects of the Suitors of the said Court, which shall be ordered into Court, or to be paid, delivered, or deposited for safe custody, shall be paid or delivered unto, or deposited with the Governor, or President and Council at *Fort St. George*, to be by them kept, and deposited with the cash and effects of the said *Company*, subject to such orders and directions as the said Supreme Court of Judicature at *Madras* shall, from time to time, think fit to make, concerning the same, for the benefit of the Suitors; the said *United Company* being responsible for the said monies, securities, and effects, in such manner, and subject to the same exceptions, as is mentioned in the said in part recited Charter of Our said Royal Grandfather, with respect to the monies, securities, or effects, to be deposited with the said Governor, or President and Council, under the authority of the Mayor's Court thereby erected.

An Accountant General to be appointed by the Court of Directors.

AND We do, for Us, Our Heirs, and Successors, give and grant unto the *Court of Directors* of the said *Company*, or the major part of them, full Power and Authority, from time to time, to name and appoint an Officer, under the name of the *Accountant General of the Supreme Court of Judicature at Madras*, and the same at their pleasure to remove, and another to appoint, who shall act, perform, and do, all matters and things necessary to carry into execution the orders of the said Court, relating to the payment or delivery of the Suitor's money, effects, and securities, unto the Governor, or President and Council of the said *United Com-*

pany of *Fort St. George,* and taking the same out again, and keeping the accounts with the said Governor and Council, and Registrar, of the said Supreme Court of Judicature at *Madras,* and other matters relating thereto, under such Rules, Methods, and Directions, as shall, from time to time, be made and given, under the Hands of Thirteen or more of the *Court of Directors* of the said *Company*; which Rules, Methods, and Directions, We will and direct, shall be according to such Rules, Methods, and Directions, as are observed by the Accountant General of our High Court of Chancery in *Great Britain,* or as near thereto as may be, and as the situation and circumstances of affairs will permit.

Courts of Request and Quarter Sessions, &c. to be subject to this Court.

AND to the end that the Court of Request, and the Court of Quarter Sessions erected and established at *Madras* aforesaid, and the Justices and other Magistrates appointed for *Fort St. George* and the Town of *Madras,* and the Factories subordinate thereto, may better answer the ends of their respective institutions, and act conformably to Law and Justice, It is Our further Will and Pleasure, and We do hereby further grant, ordain, and establish, That all and every the said Courts and Magistrates shall be subject to the order and controul of the said Supreme Court of Judicature at *Madras,* in such sort, manner, and form, as the inferior Courts and Magistrates of and in that part of *Great-Britain* called *England* are, by Law, subject to the order and controul of Our Court of King's Bench; to which end the said Supreme Court of Judicature at *Madras* is

hereby empowered and authorized to award and issue a Writ or Writs of Mandamus, Certiorari, Procedendo, or Error, to be prepared in manner above-mentioned, and directed to such Courts or Magistrates as the case may require, and to punish any contempt thereof, or wilful disobedience thereunto, by fine and imprisonment.

Appeal to the King in Council.

And it is Our further Will and Pleasure, and We do hereby direct, establish, and ordain, That if any person or persons shall find him, her, or themselves aggrieved, by any Judgment or Determination of the said Supreme Court of Judicature at *Madras*, in any case whatsoever, it shall and may be lawful for him, her, or them, to appeal to Us, Our Heirs, or Successors, in Our or Their Privy Council, in such manner, and under such restrictions and qualifications, as are hereinafter-mentioned, that is to say; in all Judgments or Determinations made by the said Supreme Court of Judicature at *Madras* in any civil Cause, the party and parties against whom, or to whose immediate prejudice the said Judgment or Determination shall be or tend, may, by his or their humble Petition to be preferred for that purpose to the said Court, pray leave to appeal to Us, Our Heirs, or Successors, in Our or Their Privy Council, stating in such Petition the Cause or Causes of Appeal. And in case such leave to appeal shall be prayed by the party or parties who is or are directed to pay any sum of money, or to perform any duty, the said Court shall, and is hereby empowered to award, that such Determination or Judgment shall be carried into

execution, or that sufficient security shall be given for the performance of the said Judgment or Determination, as shall be most expedient to real and substantial Justice. PROVIDED ALWAYS, That where the said Court shall think fit to order the Judgment or Determination to be executed, security shall be taken from the other party or parties, for the due performance of such Judgment or Order, as We, Our Heirs, or Successors, shall think fit to make thereupon. And in all cases We will and require, That security shall also be given, to the satisfaction of the said Court, for the payment of all such Costs as the said Supreme Court of Judicature at *Madras* may think likely to be incurred by the said Appeal, and also for the performance of such Judgment or Order, as We, Our Heirs, or Successors shall think fit to give or make thereupon: And upon such order or orders of the said Court thereupon made, being performed to their satisfaction, the said Court shall allow the Appeal, and the party or parties, so thinking him, her, or themselves aggrieved, shall be at liberty to prefer and prosecute his, her, or their Appeal, to Us, Our Heirs, or Successors, in Our or Their Privy Council, in such manner and form, and under such Rules, as are observed in Appeals made to Us from our Plantations or Colonies, or from Our Islands of *Guernsey*, *Jersey*, *Sarke*, or *Alderney*.

Security on such Appeal for Costs and for performance of Judgment.

AND it is our further Will and Pleasure, and We do hereby direct and ordain, That in all such cases, the said Supreme Court of Judicature at *Madras* shall certify and transmit, under the Seal of the said Court, to Us, Our Heirs,

Court on such Appeal, to transmit a Copy of all Evidence and Proceedings.

or Successors, in Our or their Privy Council, a true and exact Copy of all Evidençe, Proceedings, Judgments, Decrees, and Orders, or made in such Causes appealed, so far as the same have relation to the matter of appeal.

In criminal suits, the Court may allow or deny Appeal and regulate the terms.

AND it is Our further Will and Pleasure, That in all Indictments, Informations, and criminal Suits, and Causes whatsoever, the said Supreme Court of Judicature at *Madras* shall have the full and absolute Power and Authority to allow or deny the Appeal of the party pretending to be aggrieved, and also to award, order, and regulate the terms upon which Appeals shall be allowed, in such cases in which the said Court may think fit to allow such Appeal.

Reservation of Power to the King, to refuse an Appeal.

AND We do hereby also reserve to Ourselves, Our Heirs, and Successors, in Our or Their Privy Council, full Power and Authority, upon the humble Petition of any person or persons aggrieved by a Judgment or Determination of the Supreme Court of Judicature at *Madras*, to refuse or admit his, her, or their Appeal thereupon, upon such terms, and under such limitations, restrictions, and regulations, as We or They shall think fit, and to reform, correct, or vary such Judgment or Determination, as to Us or Them shall meet.

Court to execute Judgments and Orders of His Majesty.

AND We do further direct and ordain, That the said Court shall in all such cases, conform to and execute, or cause to be executed, such Judgments and Orders as We shall think fit to make in the premises, in such manner as

any original Judgment, Decree, or Decretal, or other Order or Rule, by the said Supreme Court of Judicature at *Madras*, should or might have been executed.

No Appeals to be allowed, except the Petition shall be preferred within six Months, and unless the matter shall exceed 1,000 Pagodas.

PROVIDED ALWAYS, That no Appeal shall be allowed by the said Court, unless the Petition for that purpose shall be preferred within Six Months from the day of pronouncing the Judgment or Determination complained of, and unless the value of the matter in dispute shall exceed the sum of one thousand Pagodas.

Chief Justice and other Judges to be sworn.

AND it is Our further Will and Pleasure, and We do hereby direct, ordain, and appoint, That the said Chief Justice, and other Justices, forthwith after the arrival of this Our Charter at *Madras*, if he or they shall then be there, or forthwith after his or their arrival there, shall assemble themselves, or so many of them as shall be able to assemble themselves, in the Room or Hall where the Court of the Recorder of *Madras* shall then be usually holden, or in some other proper Room or Place to be appointed for that purpose; and the said Chief Justice, if present, shall then and there take an oath, in the most solemn manner, that he will, to the best of his knowledge, skill, and judgment, duly and justly execute the said office of Chief Justice of the Supreme Court of Judicature at *Madras*, and impartially administer justice in every cause, matter, or thing, which shall come before him; and shall also take the oath of allegiance and supremacy, and make and subscribe the declaration against transubstantiation, in such manner and form,

as the same are, by law, appointed to be taken or made in *Great-Britain*; of which oaths a record shall be forthwith made. And We do hereby authorize the said Puisne Justices, or such of them as shall then be present, to administer the said oaths and declarations, and make such record thereof, accordingly; and the said Puisne Justices, or such of them as shall then and there be present, shall take the like oaths, and make and subscribe the like declarations, only changing what ought to be changed, for that purpose, before the said Chief Justice if present, and if not, then each of the said Puisne Justices shall take such oath before the other of them; of which oaths, also, a record shall be forthwith made. And We do hereby authorize the said Chief Justice, and Puisne Justices respectively, to administer the said oaths and declarations, and record the same accordingly. And We do hereby further ordain and establish, That the said Chief Justice and Puisne Justices, and all and every succeeding Chief Justice and Puisne Justices, shall, before he or they shall be capable of exercising the said office or offices, respectively, take, in open Court, the like oaths, and subscribe the like declarations, only changing what ought to be changed for that purpose, whereof records shall be made, and filed among the other records of the Court, from time to time: And after the said Chief Justice, and the said Puisne Justices, or so many of them as shall be assembled at the time and place aforesaid, shall have taken the said oaths, and have made and subscribed the like declaration, the said Supreme Court of Judi-

cature at *Madras* shall be proclaimed and published, in due manner, and proceed forthwith to the execution of the several authorities hereby vested in it.

AND it is Our further Will and Pleasure, and We hereby grant and declare, That from and immediately after the publishing and proclaiming of the said Supreme Court of Judicature at *Madras*, so much of the said Charter, granted by Us in the Thirty-eighth Year of Our Reign, as hereinbefore mentioned, as confers any Jurisdiction whatsoever, civil or criminal, or ecclesiastical, upon the Court of the Recorder of *Madras*, shall cease and determine, and be absolutely void, to all intents and purposes, and all Powers and Authorities, by any Act or Acts of Parliament granted to, or vested in the said Court of the Recorder of *Madras*, at the said Settlement, shall cease and determine, and be no longer exercised by the said Court; but the same shall and may be exercised by the said Supreme Court of Judicature at *Madras*, in the manner and to the extent herein directed.

After publishing of this Charter other Courts to cease.

PROVIDED ALWAYS, That no Judgment or Decree, or Decretal, or other Order, Rule, or Act of the said Court of the Recorder of *Madras*, legally pronounced, given, had, or done, in any of the Jurisdictions, civil, criminal or ecclesiastical, given to the said Court of the Recorder at *Madras*, before such publication and proclamation, as aforesaid, of the said new Court, hereby established, shall be hereby avoided, but shall remain in full force and

And it's Authority over all matters depending is given and transferred to the new Court.

virtue as if these presents had not been made; nor shall any Indictment, Information, Action, Suit, Cause, or Proceeding, depending in the said Court of the Recorder of *Madras*, whether originally instituted in such Court in any branch of it's Jurisdiction, or transferred from any other Court or Courts of Judicature, shall be abated, discontinued, or annulled, but the same shall be transferred in their then present condition, respectively, to, and subsist and depend in the said Court, hereby established according to the several Jurisdictions, hereby given to such Court, severally and respectively, to all intents and purposes, as if they had been respectively commenced, brought, found, presented, or recorded in the said Court, hereby established. And We do hereby authorize and empower the said Court, hereby established, to proceed accordingly, in all such Indictments, Informations, Actions, Suits, Causes, and Proceedings, to Judgment and Execution, and to make such Rules and Orders respecting the same, and also respecting any sum or sums of money belonging to the Suitors of the said Court of the Recorder of *Madras*, or of any of the Courts, the Jurisdictions whereof was transferred to the said Court of the Recorder of *Madras*, as the said Court of the Recorder of *Madras* might have made, or as the said Court hereby established is hereby empowered to make, in Causes, Suits, or Proceedings, commenced or depending before the said Court, hereby established: for which purpose it is Our further Will and Pleasure, That all the Records, Muniments, and Proceedings, whatever, of or belonging to the said

And all the Records of the present Courts are to be preserved by the new Court.

Court of the Recorder of *Madras*, or which ought to be deposited with such Court, shall be delivered and deposited, and preserved amongst the records of the said Supreme Court of Judicature at *Madras*, hereby established. And it is Our further Will and Pleasure, and We do hereby authorize and empower the said Supreme Court of Judicature at *Madras* (respect being had to the seasons of the Year and the convenience of the Suitors) to settle and appoint proper Terms and Law Days, and Days for Sittings after Term, if necessary, and to change and vary such appointments as occasion shall require, and to proclaim, hold, and adjourn the Sessions of Oyer and Terminer and Gaol Delivery, and Admiralty Sessions, as to them severally shall seem most expedient.

Court to settle proper Terms, &c.

PROVIDED NEVERTHELESS, That the said Court shall, and is hereby required, in each Year to hold at the least Four Sessions of Oyer and Terminer and Gaol Delivery, within and for it's limits, and more, if the same shall be found necessary for the convenience of the said Settlement of *Madras*, and the ends of Public Justice.

The Oyer and Terminer shall be held four Times a Year.

PROVIDED ALSO, and it is Our further Will and Pleasure, and We do hereby require and enjoin the said Court, as soon as any Rules shall have been made for the appointment of Terms, or Law Days, or for the variation of such appointment, by the first convenient opportunity after making or varying the same, to transmit a Copy thereof, under the Hands and Seals of the Judges of the said Court, to

Rules to be transmitted to the President of the Board of Commissioners for the Affairs of *India*.

the President of the *Board of Commissioners for the Affairs of India,* to be laid before Us, Our Heirs, or Successors, for Our and Their Royal Approbation and Correction. And We ordain and direct, That such Appointments shall be kept and observed, until the same shall be altered by Us, Our Heirs, or Successors; and then with such variation or alteration, as We, Our Heirs, or Successors, shall cause to be made therein. PROVIDED ALSO, and We do hereby further will and ordain, That, after the said Terms and Law Days shall once have been fixed by the said Supreme Court, no Variation to be made therein by the said Court shall take effect, until such variation shall have been approved and confirmed by Us, Our Heirs, or Successors.

PROVIDED ALWAYS, and We do hereby direct and declare, That in all cases in which the person or persons of the Governor General of *Fort William,* the Governor or President of *Fort St. George,* or any of the Counsellors of the said Presidency, or the Chief Justice, or any of the Puisne Justices of the said Supreme Court of Judicature of *Madras,* is and are hereby declared not to be subject or liable to be arrested or imprisoned, as aforesaid, and wherein a Capias or Process for arresting the body is hereby given and provided against other persons, it shall and may be lawful for the said Courts, hereby established, respectively, to order the goods and estates of such persons, so exempted from arrest and imprisonment, as aforesaid, to be seized and sequestered, or sold, if need be, until

he or they, respectively, shall appear and yield obedience to the Judgment, Decree, or Decretal, or other Order or Rule of the said Court:

PROVIDED ALWAYS, and We do hereby direct and declare, That all Offences committed by, or charged upon, the said Chief Justice, or any of the Puisne Justices of the said Supreme Court of Judicature at *Madras*, respectively, shall be heard, tried, and determined, in the same manner as if the same were committed by, or charged upon, any of the Judges of the Supreme Court of Judicature at *Calcutta*.

General Clause as to Powers of the new Courts to try all Causes which may now be tried at *Fort St. George*.

AND it is Our further Will and Pleasure, and We do hereby grant and declare, The said Supreme Court of Judicature at *Madras* shall have full Power and Authority to hear, try, and determine, all and all manner of suits and actions, either civil or criminal, which by the authority of any Act or Acts of Parliament, or under the authority of Our said Letters Patent of the Thirty-eighth Year of Our Reign, may now be tried or determined by the said Court of the Recorder at *Madras*; and that all Powers, Authorities, and Jurisdictions, of what kind or nature soever, which by any Act or Acts of Parliament, or by the said Letters Patent, may be or are directed to be exercised by the said Court of the Recorder of *Madras*, shall and may be as fully and effectually exercised by the said Supreme Court of Judicature at *Madras*, as the same might have been exercised and enjoyed by the said Court of the Recorder of *Madras*.

Grants of Fines to the *East-India Company.*

AND FURTHERMORE, We, of Our further especial grace, certain knowledge, and mere motion, have given and granted, and by these Presents, for Us, Our Heirs, and Successors, do give, grant, and confirm, unto the said *United Company of Merchants of England, trading to the East-Indies,* and their Successors, all such Fines, Amerciaments, Forfeitures, Penalties, or parts of Penalties, and Sums of Money, whatsoever, as have heretofore been ordered, charged, adjudged, set, imposed, or awarded, upon or against any person or persons whomsoever, in or by any Court of Justice or person at *Madras,* having lawful authority to order, charge, adjudge, set, impose, or award the same; and all such Fines, Amerciaments, Forfeitures, Penalties, or parts of Penalties, and Sums of Money, which hereafter, during all the residue of the term of the continuance of the said *United Company's* exclusive Trade, shall be ordered, adjudged, set, imposed, or awarded, upon or against any person or persons whatsoever, in or by the said Court, hereby established, or by any Court of Oyer and Terminer and Gaol Delivery, or General Court of Quarter Sessions, or by any of the Justices of the Peace, Commissioners of Oyer and Terminer or Gaol Delivery for the said Presidency of *Madras,* or any of them, or by any person or persons there, having lawful authority to order, charge, adjudge, set, impose, or award the same, for or by reason of any Offences, Misdemeanors, Defaults, Contempts, Neglects, or Forfeitures, whatsoever, to have, hold, receive, levy, sue for, recover, and enjoy the same, to the said *United Company* and their

Successors, for ever, in as large and ample manner, to all intents and purposes, as We, Our Heirs, or Successors, could or might have had, held, received, levied, sued for, recovered, and enjoyed the same, if these presents had not been made, without any account, or other matter or thing to be rendered or paid for the same, unto Us, Our Heirs, or Successors; subject, nevertheless, to the several Powers and Authorities by these Our Letters granted to, or vested in, the said Court, hereby established, to discharge, mitigate, or set over, any of such Fines, Amerciaments, Forfeitures, Penalties, or Sums of Money, respectively, according to the true intent and meaning hereof.

Power for the Courts to make satisfaction to Prosecutors out of Fines.

PROVIDED ALWAYS, nevertheless, That it shall and may be lawful, and We hereby authorize and empower the said Supreme Court of Judicature at *Madras* to make such satisfaction to Prosecutors of Informations or Indictments, as to the said Court shall seem reasonable and fit, out of any Fine or Fines to be set or imposed upon any person or persons who shall be convicted upon such Proceedings, respectively, and to order and direct such satisfaction to be paid accordingly, as hereinafter directed.

Power given to the *East-India Company* to recover the Fines.

AND We do hereby, for Us, Our Heirs, and Successors, give and grant unto the said *Company*, full Power and Authority to sue for, recover, and levy, all and every the said Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, by any Action or Actions of Debt to be brought in the said Court, hereby

established, or by such other Suits, Actions, Ways, Means, and Proceedings, as may be lawfully had and prosecuted in the said Court, in their Corporate Name, or by any other lawful ways or means, either in the Name of Us, Our Heirs, or Successors, or of the said *United Company of Merchants of England, trading to the East-Indies,* or their Successors; and to collect, take, seize, and levy the said Fine, Amerciaments, Forfeitures, Penalties, and Sums of Money, in and by these presents granted, or mentioned to be granted, from time to time, by the proper Officers and Ministers of the said *United Company of Merchants of England, trading to the East-Indies,* and their Successors, to the only proper use and behoof of them and their Successors, without any Writ, Warrant, or other Process of the Exchequer, of Us, Our Heirs, and Successors, or any other Court or Courts, whatsoever and wheresoever to be had and obtained in that behalf, any usage or custom to the contrary thereof, in anywise, notwithstanding: subject, nevertheless, to such orders as the said Court, hereby established, shall respectively make, in favor of Prosecutors, as herein-before directed.

And We do hereby, for Us, Our Heirs, and Successors, direct, authorize, and command, the Chief Justice, and other Justices of the said Court, hereby established at *Madras,* and all Justices of the Peace, Commissioners of Oyer and Terminer and Gaol Delivery, now and for the time being, all Sheriffs, and other Officers and Ministers, and others therein concerned, respectively, by virtue of these Our Letters

Patent, to cause to be paid over to the said *United Company of Merchants of England, trading to the East-Indies,* and their Successors, from time to time, all such Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, as shall be set or imposed upon, or be forfeited, or accrued due, by or from any person or persons, as aforesaid; and the same shall be paid or satisfied by such person or persons accordingly, or otherwise shall and may be recovered and levied, by any of the ways and means before-mentioned: subject, nevertheless, to such orders as shall be made for the satisfaction of Prosecutors, as herein-before directed. And We do by these Presents, for Us, Our Heirs, and Successors, declare and grant, That such payments, so to be made, shall be as full and sufficient a discharge, to all intents and purposes, to the said Chief Justice, and other Justices of the said Supreme Court of Judicature at *Madras,* Justices of the Peace, Commissioners of Oyer and Terminer and Gaol Delivery, and the said respective Officers and Ministers, and all and every other person and persons, as if such payments had been made to Us, Our Heirs, and Successors, at the receipt of Our or Their Exchequer.

Provision for recovery of Fines.

AND to the intent that the ends of Justice may not be frustrated or delayed, by the want of a due remedy to enforce the payment of the said Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, We hereby will and direct, That the Commissioners of the said Court of Oyer and Terminer and Gaol Delivery, and the Justices of the Peace in their Courts of Quarter Sessions shall, by themselves, or by

the proper Officers of the said Court, in every Term next after the holding of the said Courts respectively, deliver into the said Court, hereby established, upon oath, an estreat roll of all Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, which shall have been set, imposed, lost, or forfeited, by any person or persons whatsoever, at or by or before the said Courts, or any of them, or by or before any of the said Commissioners or Justices of the Peace, during the time of the holding any of the said Courts of Oyer and Terminer and Gaol Delivery, or Quarter Sessions, at any period subsequent to the time when the next preceding Courts aforesaid were last holden, respectively. And that it shall and may be lawful for the said Court, hereby established, to award and issue such process against the persons liable to the payment thereof, in order to the recovery of the same, in aid and for the use of the said *Company*, or otherwise, according to the circumstances of the case, to discharge or mitigate the same, as our Court of Exchequer in *England*, or the Chancellor and Barons thereof, may or can lawfully do, upon estreats of the Green-Wax in *England*; with power also to the said Court, hereby established, by any rule or order, to cause a share or proportion of any Fine imposed on any person or persons, for any delinquency or misdemeanor prosecuted to Judgment, to be paid over to the Prosecutor, towards defraying his expenses occasioned thereby, as such Court shall, in it's discretion, think fit or expedient.

All the King's Subjects to be aiding and assisting.

AND We do further hereby strictly charge and command all Governors and Commanders,

Magistrates and Ministers, civil and military, and all other our faithful and liege Subjects whatsoever, in and throughout the *British* Territories and Possessions in the *East-Indies*, and the Countries, Territories, Districts, and Places which now are, or shall be hereafter, dependent thereon, or subject or subordinate to the *British* Government there, that in the execution of the several Powers, Jurisdictions, and Authorities hereby granted, made, given, or created, they be aiding, assisting, and obedient, in all things, as they will answer the contrary at their peril.

IN WITNESS whereof, We have caused these Our Letters to be made Patent. Witness Ourself, at *Westminster*, this Twenty-sixth Day of *December*, in the Forty-first Year of Our Reign.

WILMOT.

GEORGE R.

To Our Trusty and well-beloved Sir THOMAS ANDREW STRANGE, *Knight, Our Recorder of Our Court of Record at Madras, or to the Recorder of Our said Court, for the time being.*

Our Will and Pleasure is, and We do hereby authorize and empower you to make use of the Seal at present in your possession for sealing all things whatsoever that are used to be sealed therewith, on which our Arms as heretofore used are engraved, until another Seal bearing the Ensigns armorial of the United Kingdom of *Great Britain* and *Ireland* shall be prepared and delivered to you. And for so doing this shall be your warrant.

Given at our Court at Saint James's, the First day of January 1801, in the Forty-first year of Our Reign.

By His Majesty's Command.

(Signed) HENRY DUNDAS.

EXTRACT

FROM THE

47TH GEO. III. CH. 68.

1807.

Sect. 1. THAT it shall and may be lawful to and for the said Governor in Council of Fort St. George and the said Governor in Council of Bombay, from time to time, to make, frame, and issue such Rules and Regulations for the good order and civil government of the Towns of Madras and Bombay respectively, and of the said Company's Settlements at Fort Saint George and Bombay, and other Factories and Places subordinate or to be subordinate thereto respectively, and to set, impose, inflict, and levy, such reasonable fines and forfeitures, and to order and appoint such moderate and reasonable corporal punishment for the breach or non-observance of any such Rules, Ordinances, or Regulations, as the Governor General in Council of Fort William in Bengal may lawfully make, frame, and issue, for the good order and civil government of the said Company's Settlement at Fort William aforesaid, and other Factories and Places subordinate or to be subordinate thereto; but nevertheless, such Rules, Ordinances, and Regulations, to be made by the said Governor in Council of Fort Saint George shall not be valid, or of any force or effect, until the same shall be duly registered and published in the Supreme Court

of Judicature of Fort Saint George aforesaid, in like manner, and within such time as the Rules, Ordinances, and Regulations to be made by the said Governor General in Council of Fort William aforesaid, are by any Act or Acts now in force, required to be registered in the Supreme Court of Judicature at Fort William aforesaid; nor shall the Rules, Ordinances, or Regulations to be made by the Governor in Council of Bombay, be valid, or of any force or effect, until the same shall be duly registered and published in the Court of the Recorder of Bombay, in like manner, and within such time as aforesaid.

2. And be it further enacted, That all such Rules, Ordinances, and Regulations, so to be made as aforesaid, shall be subject, in all respects, to the like power of appeal, and to all the like Regulations and Provisions as are mentioned and contained in an Act, made in the Thirteenth year of the Reign of His present Majesty, intituled "An Act for establishing certain Regulations for the better management of the affairs of the East India Company, as well in India, as in Europe;" and in an Act, made in the Thirty-ninth and Fortieth year of the Reign of His present Majesty, intituled "An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," as to the Rules, Ordinances, and Regulations therein respectively authorized, to be made by the said Governor General in Council as aforesaid.

EXTRACT
FROM
53D GEO. III. CH. CLV.
(1813.)

For repealing parts of Acts respecting the commencement of certain Salaries and directing the commencement thereof, and for payments of passage money to certain officers.

LXXXIX. AND whereas by a certain Act passed in the Thirteenth Year of His present Majesty's Reign, intituled, An Act for establishing certain Regulations for the better management of the affairs of the East India Company, as well in India as in Europe, it is enacted, that the Salaries of the Governor General and Council of Fort William, and of the Chief Justice and Judges of the Supreme Court of Judicature at Fort William in Bengal, shall take place and commence, in respect to all such persons who shall be resident in Great Britain at the time of their appointment, upon and from the day on which such persons shall embark from Great Britain; and that the Salaries of all such persons who shall at the time of their Appointment be resident in India, shall commence from and after their respectively taking upon them the execution of their offices; And whereas by an Act passed in the Fortieth Year of His Majesty's Reign, intituled, An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same, a similar provision is made in respect to the Salaries of the Chief Justice and Judges of the Supreme Court of Judicature at Madras: And whereas by an Act passed in the Thirty-

13. G. 3. c. 63.

39 & 40. G. 3, c. 79.

37 G. 3, c. 142.

Seventh Year of His Majesty's Reign, intituled An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in loans to the Native Princes in India, a similar provision is made in respect to the Salary of the Recorder of the Court of Judicature at Bombay, And whereas no such provision has been made respecting the commencement of the Salaries of the Governor or Council of Fort St. George, or of the Governor or Council of the Town and Island of Bombay, or of the Governor of Prince of Wales Island, or of the Recorder there: And whereas it is expedient that a general and moderate provision should be made in respect of all the said offices, and of others who may happen to be in the United Kingdom at the time of their Appointments, be it therefore further enacted, That so much of the said Acts of the Thirteenth, Thirty-Seventh, and Fortieth Years of His Majesty's Reign, as relates to the commencement of Salaries, shall be and the same is hereby repealed, and that from and after the passing of this Act, the Salaries of the several officers herein-before mentioned shall commence from and after their respectively taking upon them the execution of their offices, and the said Court of Directors shall and they are hereby required to pay and advance to all and singular the officers and persons hereinafter mentioned, who shall be resident in the United Kingdom at the time of their respective Appointments, for the purpose of defraying the expences of their equipments and voyage, such sums of money as are set against the names of such officers and persons respectively; that is to say:

To the Governor General of Fort William in Bengal	Five thousand Pounds.
To each of the Members of Council there ..	One thousand two hundred Pounds.
To the Commander in Chief of all the Forces in India	Two thousand five hundred Pounds.
To the Chief Justice of the Supreme Court at Fort William	One thousand five hundred Pounds.
To each of the Puisne Judges there	One thousand Pounds.
To the Governor of Fort St. George	Three thousand Pounds.
To each of the Members of Council there	One thousand Pounds.
To the Commander in Chief there	Two thousand Pounds.
To the Chief Justice of the Supreme Court there	One thousand two hundred Pounds.
To each of the Puisne Judges there	One thousand Pounds.
To the Governor of Bombay	Two thousand five hundred Pounds.
To each of the Members of Council there	One thousand Pounds.
To the Commander in Chief there	One thousand five hundred Pounds.
To the Recorder there ..	One thousand Pounds.
To the Governor of Prince of Wales Island.	One thousand two hundred Pounds.

To the Recorder there. . One thousand Pounds.

To the Bishop . . } One thousand two hundred Pounds.

To each of the Arch-deacons } Five hundred Pounds.

Governor General and Governors in Council at Fort William, Madras, Bombay, and Prince of Wales Island, may impose Duties of Customs and other Taxes, on Places and persons within the Jurisdiction of the Court established by the King's Charter; in the same manner as in Places without such Jurisdiction.

XCVIII. And whereas it is expedient that the Governments of the said Company established at Fort William, Fort St. George, Bombay, and Prince of Wales Island respectively, should have authority to impose Duties and Taxes to be levied within the several Towns of Calcutta and Madras, the Town and Island of Bombay, and Prince of Wales Island, and also Duties and Taxes to be paid by persons subject to the Jurisdictions of the Supreme Court of Judicature at Fort William in Bengal, the Supreme Court of Judicature at Madras, the Court of Recorder of Bombay, and the Court of Judicature at Prince of Wales Island respectively; Be it therefore enacted, That it shall and may be lawful to and for the Governor General in Council of Fort William in Bengal, and to and for the Governor in Council of Fort St George, and to and for the Governor in Council of Bombay, and to and for the Governor in Council of Prince of Wales Island, within the respective Presidencies of Fort William, Fort St. George, Bombay, and Prince of Wales Island, to impose all such Duties of Customs and other Taxes, to be levied, raised, and paid within the said Towns of Calcutta and Madras, the said Town and Island of Bombay, and Prince of Wales Island, and upon and by all persons whomsoever, resident or being therein respec-

tively, and in respect of all goods, wares, merchandizes, commodities, and property whatsoever also being therein respectively; and also upon and by all persons whomsoever, whether British born or Foreigners, resident, or being in any Country or Place within the authority of the said Governments respectively, and in respect of all goods, wares, merchandizes, commodities, and property whatsoever, being in any such Country or Place, in as full, large, and ample manner, as such Governor General in Council, or Governors in Council respectively, may now lawfully impose any Duties or Taxes, to be levied, raised, or paid, upon or by any persons whomsoever, or in any Place whatsoever, within the authority of the said Governments respectively; Provided always, that no imposition of any such Duty or Tax, or any encrease of any such Duty or Tax, within the said Towns of Calcutta or Madras, the said Town and Island of Bombay, or Prince of Wales Island, shall be valid or effectual, until the same shall have been sanctioned by the Court of Directors, with the approbation of the Board of Commissioners, in manner herein-before prescribed respecting Duties and Taxes of Export, Import, and Transit, on goods, wares, or merchandize.

Governor General and Governors in Council may make Laws and Regulations respecting such Duties and Taxes, and impose Fines and Forfeitures for non-payment thereof.

XCIX. And be it further enacted, That it shall and may be lawful for such Governor General in Council, and Governors in Council respectively, to make Laws and Regulations respecting such Duties and Taxes, and to impose Fines, Penalties, and Forfeitures, for the non-payment of such Duties or Taxes, or for the breach of such Laws or Regulations, in as

full and ample manner as such Governor General in Council, or Governors in Council respectively, may now lawfully make any other Laws or Regulations, or impose any other Fines, Penalties, or Forfeitures whatsoever; and all such Laws and Regulations shall be taken notice of without being specially pleaded, as well in the said Supreme Courts and Recorder's Court, and Court of Judicature at Prince of Wales Island respectively, as in all other Courts whatsoever, within the said British Territories. And that it shall and may be lawful for all persons whomsoever, to prefer, prosecute, and maintain in the same Supreme Courts and Recorder's Court, and Court of Judicature at Prince of Wales Island respectively, all manner of Indictments, Informations, and Suits whatsoever, for enforcing such Laws and Regulations, or for any matter or thing whatever arising out of the same; any Act, Charter, usage, or any other thing to the contrary notwithstanding.

Advocate General may exhibit Informations to the King's Courts, in matters of Revenue, &c.

C. And be it further enacted, That it shall and may be lawful for the Advocate General, or other principal Law Officer of the said Company, at the several Presidencies of Fort William, Fort Saint George, Bombay, and Prince of Wales Island, to exhibit in behalf of the said Company to the Supreme Courts of Judicature at Fort William and Madras, Recorder's Court at Bombay, and Court of Judicature at Prince of Wales Island, as occasion shall require, against any person or persons whomsoever, subject to the Jurisdiction of the said several Courts respectively, any Information or Informations for any breach or breaches

of the Revenue Laws or Regulations of any of the said Governments, or for any Fine or Fines, Penalty or Penalties, Forfeiture or Forfeitures, Debt or Debts, or Sum or Sums of Money, committed, incurred, or due by any such person or persons, in respect of any such Law or Regulations; and such Proceedings shall be had and taken upon every such Information as may lawfully be had or taken, in case of an Information filed by His Majesty's Attorney General in the Court of Exchequer in England, for any offence committed against the Revenue Laws of England, or for any Fine, Penalty, Forfeiture, Debt, or Sum of Money due in respect thereof, so far as the circumstances of the case, and the course and practice of Proceeding in the said Courts respectively will admit; and all Fines, Penalties, Forfeitures, Debts, and Sums of Money, recovered or levied under or by virtue of any such Information so to be exhibited as aforesaid, shall belong to the said United Company, and the same, or the proceeds thereof, shall be carried in their Books of Account to the credit of the Territorial Revenues of the said Company.

For Misdemeanors committed by British Subjects more than one hundred miles from a Presidency, Informations may be filed, ex-officio, and prosecuted as in Court of King's Bench in England.

CIII. And whereas great inconvenience and expence have hitherto been experienced in cases of prosecution under the authority of the Advocate General or other principal Law Officer of the said Company, at their several Presidencies of Fort William, Fort Saint George, and Bombay respectively, for Misdemeanors committed at a distance from the said several Presidencies, by the ordinary course of Indictment, or Information filed with leave of the

Court; be it therefore enacted, That it shall and may be lawful for the Advocate General, or other principal Law Officer of the said Company, at their several Presidencies, in all cases of Misdemeanor alleged to have been committed by any British Subject, at a distance of more than one hundred miles from the Presidency, within the limits whereof such Offence shall be alleged to have been committed, to file an Information ex-officio in the Supreme Court of Judicature at Fort William, the Supreme Court of Judicature at Madras, or the Recorder's Court at Bombay, as the case may be; and all such proceedings shall and may be used and had upon such Information, as may lawfully be used and had in cases of Information filed ex-officio by His Majesty's Attorney General in His Majesty's Court of King's Bench in England; any matter or thing to the contrary notwithstanding.

Justices of Peace in the Provinces shall have Jurisdiction, in case of Assault and Trespass committed by British Subjects on the Natives of India.

CV. And whereas His Majesty's British Subjects resident in the British Territories in India, without the Towns of Calcutta, Madras, and the Town and Island of Bombay, are now, by law, subject only to the Jurisdiction of His Majesty's Courts at Calcutta, Madras, and Bombay respectively, and are exempted from the Jurisdiction of the Courts established by the said United Company within the said Territories, to which all other persons, whether Natives or others, inhabitants in the said Territories without the limits of the Towns aforesaid, are amenable: And whereas it is expedient to provide more effectual redress for the Native inhabitants of the said Territories, as well in the

case of Assault, Forcible Entry or other Injury accompanied with force, which may be committed by British Subjects at a distance from the Places where His Majesty's Courts are established, as in case of Civil Controversies with such British Subjects; Be it therefore enacted, That it shall and may be lawful for any Native of India, resident in the East Indies, or Parts aforesaid, and without the said Towns, in case of any Assault, Forcible Entry, or other Injury accompanied with force, alleged to have been done against his person or property by a British Subject, to complain of such Assault, Forcible Entry, or other Injury accompanied with force, not being Felony, to the Magistrate of the Zillah or District where the alleged Offender shall be resident, or in which such offence shall have been committed; and that such Magistrate shall have power and authority, at the instance of the person so complaining, to take cognizance of such complaint, to hear parties, to examine witnesses, and, having taken in writing the substance of the complaint, defence, and evidence, to acquit or convict the person accused; and in case of conviction, to inflict upon such person a suitable punishment, by fine, not exceeding five hundred Rupees, to be levied in case of non-payment by warrant under the hand of the said Magistrate, and upon any property of the party so convicted which may be found within the said District; and if no such property shall be found within the said District, then it shall be lawful for the said Magistrate, by warrant also under his hand, to commit such Offender to some place of confinement

within the said Zillah or District, which in the judgment of the said Magistrate shall be fit for receiving such Offender; or if there shall be no fit place of confinement, then to the Gaol of the Presidency, to remain there for a period not exceeding two months, unless such Fines shall be sooner paid; and it shall be lawful for the said Magistrate to award the whole or any portion of such Fine to the party aggrieved, by way of satisfaction for such injury: Provided always, that in all cases of conviction of a British Subject under the provision here-in-before contained, the Magistrate before whom such conviction shall take place, shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the Place wherein the offence was committed is or shall be subordinate: Provided also, that all such Fines shall be paid in the first instance to the Magistrate before whom the party offending shall be convicted, and the amount thereof, after making such satisfaction to the party aggrieved, as aforesaid, if any, shall be transmitted by such Magistrate to the Clerk of the Crown, or other Officer to whom it belongs to receive Fines in His Majesty's Court of Oyer and Terminer and Gaol Delivery for the Province within which the offence shall have been committed; and such Fines shall and may be disposed of in the same manner as other Fines imposed by such Court of Oyer and Terminer and Gaol Delivery: Provided also, that all such convictions shall and may be removable, by writ of certiorari into the said Courts of Oyer and Terminer and Gaol Delivery respec-

Copy of conviction and proceedings to be sent to the Government.

Fines to be paid to the Magistrate.

Application thereof.

Conviction removed by certiorari, and subject to provisions of 33 G. 3, c. 52.

tively, in the same manner, and upon the same terms and conditions, and shall be proceeded upon in the same manner in every respect as is directed in the said Act of the Thirty-Third Year of His Majesty's Reign, with regard to other convictions before Justices of Peace in the British Settlements or Territories in India: provided also, that nothing herein contained shall extend, or be construed to extend, to prevent such Magistrate from committing or holding to Bail any British Subject charged with any such offence before him, in the same manner as such British Subject might have been committed or holden to Bail if this Act had not been passed, where the offence charged shall appear to such Magistrate to be of so aggravated a nature as to be a fit subject for prosecution in any of His Majesty's Courts to which such British Subject may be amenable.

Natives in India in Service of Company, subject to Provincial Courts.

CIX. And whereas doubts have been entertained whether persons being Natives of India, in the Service of the United Company of Merchants of England trading to the East Indies or of any of His Majesty's Subjects, are amenable to the Jurisdiction of the Provincial Courts established in the East Indies, or whether such persons, being Natives of India in the Service of the said United Company or of His Majesty's Subjects, are not exclusively amenable to the Jurisdiction of the said Courts at Fort William, Madras, and Bombay respectively, and it is expedient that such doubts should be removed; Be it further enacted and declared, That all Persons whosoever, being Natives of India, who have been, now are, or hereafter

may be employed, by or in the Service of His Majesty, the said United Company, or of any of His Majesty's Subjects, were and are, and shall be subject and amenable to all Provincial Courts of competent Jurisdiction for all Crimes and Misdemeanors, and in all Actions and Suits whatsoever, of which such Courts respectively, could take cognizance, if the persons having committed such Crimes or Misdemeanors, or against whom the causes of such Actions or Suits shall have arisen, had not been employed by, or had not been in the Service of His Majesty or the said United Company, or any of His Majesty's Subjects, any Law, usage, or practice to the contrary thereof in anyways notwithstanding; Provided always, that nothing herein contained shall anywise oust the said Supreme Courts of Judicature of Fort William and Madras, and the said Court of the Recorder of Bombay respectively, of any Jurisdiction over any Natives of India, which such Courts may now lawfully exercise; but such Supreme Courts of Judicature of Fort William and Madras, and the said Court of the Recorder of Bombay respectively, as well as the Provincial Courts herein referred to, according to their several Jurisdictions, shall have a concurrent Jurisdiction over Natives of India, employed by or in the Service of the said United Company, or any of His Majesty's Subjects.

Admiralty Jurisdiction of King's Courts extended.

CX. And whereas the Courts established by the said United Company have no Jurisdiction over Crimes maritime, and doubts have been entertained whether the Admiralty Jurisdiction of His Majesty's Courts at Calcutta, Madras, and

Bombay, extends to any persons but those who are amenable to their ordinary Jurisdiction; by reason whereof failures of Justice may arise; Be it therefore enacted, That it shall and may be lawful for His Majesty's Courts at Calcutta, Madras, and Bombay, exercising Admiralty Jurisdiction, to take cognizance of all Crimes perpetrated on the High Seas by any person or persons whatsoever, in as full and ample a manner, as any other Court of Admiralty Jurisdiction established by His Majesty's authority in any Colony or Settlement whatsoever, belonging to the Crown of the said United Kingdom.

Advocate General of the Company may file Informations in King's Courts for Debts due to His Majesty.

CXI. And whereas doubts have arisen whether the Advocate General or other principal Law Officer of the said Company at any of the said Company's Presidencies, is by Law authorized to exhibit to the respective Courts of Judicature at any of the said Presidencies, for and on behalf of His Majesty, Informations in the nature of Actions at Law or Bills in Equity, for or in respect of any Cause or Causes of Action, Debts, Dues, Demands, Accounts, Reckonings, Sum or Sums of Money, Stores, Goods, Chattels, or any other matter, cause or thing whatsoever, which may have arisen or accrued, or which may arise or accrue to His Majesty; for remedy thereof, be it further enacted, That it shall and may be lawful to and for the Advocate General, or other principal Law Officer of the said Company for the time being, at each of the said Company's Presidencies respectively, for and on behalf of His Majesty, His Heirs and Successors, to exhibit to the respective Supreme Courts of Judicature at the said Com-

pany's Presidencies of Fort William and Madras, or to the Recorder's Court at Bombay, or the Court of Judicature at Prince of Wales Island, any Information or Informations in the nature of an Action or Actions at Law, or of a Bill or Bills in Equity, as occasion shall require, against any person or persons residing within or being amenable to the Jurisdiction of the said Courts respectively, for or in respect of any Cause or Causes of Action, Debts, Dues, Demands, Accounts, Reckonings, Sum or Sums of Money, Stores, Goods, Chattels, or any other matter, cause or thing whatsoever, as fully and effectually to all intents and purposes, as His Majesty's Attorney General for the time being is by law authorized to exhibit any such Information or Informations in any of His Majesty's Courts of Law or Equity in this Realm, and that thereupon such proceedings shall be had, as far as the circumstances of the case, and the course and practice of the said Courts of Judicature at the said several Presidencies will admit, as are had upon any such Informations exhibited by His Majesty's Attorney General in any of His Majesty's Courts of Law or Equity in this Realm.

Provincial Courts of the highest Jurisdiction, may arrest in civil or criminal Process within the Presidencies, notwithstanding the Jurisdiction of King's Courts.

CXIII.. And whereas it is expedient that the Sudder Dewanny Adawlut, and Nizamut Adawlut, or other Provincial Courts however denominated, exercising the highest jurisdiction within the Provinces respectively, subject to the Governments of Fort William, Fort Saint George, and Bombay, should have power and authority to execute Process of Arrest, either civil or criminal, within the Towns of Calcutta

and Madras, and the Town and Island of Bombay, notwithstanding the Jurisdiction of His Majesty's Courts established at those Places respectively: Be it therefore enacted, That it shall and may be lawful for the said Court of Sudder Dewanny and Nizamut Adawlut, or other Provincial Courts aforesaid, to execute or cause to be executed upon all persons subject to the Jurisdiction of such Courts respectively, all manner of lawful Process of Arrest within the respective limits of the Towns of Calcutta and Madras, and of the Town and Island of Bombay, in the same manner as the said Courts respectively may, by virtue of any power now vested, or hereafter to be vested in them, lawfully execute, or cause to be executed, such Process in any place situate without the said limits; any Act, Charter, or other matter or thing whatsoever to the contrary notwithstanding: Provided always, that all such Process, which shall be executed within the limits aforesaid, shall be in writing, and shall have underwritten, or indorsed thereon, or otherwise annexed thereto, a Translation thereof, or of the substance thereof, in the English language and character, signed by one of the Judges of the Court from whence the same shall issue.

Process to be in writing, with an English Translation, and signed by a Judge.

ANNO QUINGUAGESIMO QUINTO

GEORGII III. REGIS,

Cap.

14th June 1815.

An Act to amend so much of an Act of the Thirty-third Year of His present Majesty, as relates to fixing the Limits of the Towns of *Calcutta, Madras,* and *Bombay*; and also so much of an Act of the Thirty-ninth and Fortieth Year of His present Majesty, as relates to granting Letters of Administration to the Effects of persons dying intestate within the several Presidencies in the *East Indies,* to the Registrar of the Ecclesiastical Courts; and to enable the Governor in Council of the said Presidencies to remove persons not being *British* Subjects; and to make provision for the Judges in the *East Indies* in certain cases.

WHEREAS by an Act of the Parliament of *Great Britain,* made and passed in the Thirty-third year of His present Majesty's Reign, intituled *An Act for continuing in the* East India *Company, for a further Term, the Possession of the* British *Territories in* India, *together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain uses the Revenues and*

Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, *and* Bombay, it was amongst other things enacted, that if any question should arise touching or concerning the true limits and extent of the Towns and Factories of *Calcutta, Madras,* and *Bombay* respectively, or any of them, the same should be enquired into by the Governor General in Council at *Fort William,* in respect to the limits, and extent of *Calcutta,* and by the Governor in Council at *Fort Saint George* in respect to the limits and extent of *Madras,* and the Governor in Council at *Bombay* in respect to the Town of *Bombay*; and that such limits, as the said respective Governments by Order in Council should declare and prescribe to be the limits of the said Towns and Factories respectively, should be held, deemed, and taken in Law as the true limits of the same, any custom or usage to the contrary notwithstanding: And whereas, by reason of the increase of the Population of the Towns of *Calcutta, Madras,* and *Bombay,* it is expedient that the several Governments of *Fort William, Fort Saint George,* and *Bombay* in the *East-Indies,* should be further empowered, in manner herein-after mentioned, to extend from time to time the limits of the said several Towns: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to

For prescribing the limits

and for the Governor General in Council at *Fort William* in *Bengal*, from time to time, as circumstances shall in their judgment require, to extend the limits of the Town of *Calcutta*; and to and for the Governor in Council at *Fort Saint George*, from time to time, as circumstances shall in their judgment require, to extend the limits of the Town of *Madras*; and to and for the Governor in Council at *Bombay*, from time to time, as circumstances shall in their judgment require, to extend the limits of the Town of *Bombay*; and that such extended limits as the said respective Governments shall from time to time, in and by their respective Orders in Council, or by their Regulations, declare and prescribe as aforesaid to be the limits of the said Towns respectively, shall, from the time of publishing such Orders in Council, or Regulations by Proclamation, at the respective Presidencies, be held, deemed, and taken, as and for the true limits of the same; and from time to time, as any extension shall be made thereof, all Jurisdictions, Powers, and Authorities which, by virtue of any Act or Acts of Parliament, or any Charter or Charters, or any law or usage, shall or may be bounded or regulated by the limits of the said Towns respectively, shall thenceforth be bounded and regulated by the limits of the said Towns respectively, as they shall be declared and prescribed from time to time in manner herein-before mentioned; any custom, law, or usage to the contrary notwithstanding: Provided always, that no Order in Council or Regulation hereafter to be made, and declaring or prescribing the limits of any of the said

of the Towns of Calcutta, Madras, and Bombay.

Towns, shall be valid or effectual, until it shall have been sanctioned, or shall have been authorized to be made and passed by the Court of Directors of the United Company of Merchants of *England* trading to the *East Indies*, with the approbation of the Board of Commissioners for the Affairs of *India*.

For granting Letters of Administration to Attornies of Executors.

And whereas, by an Act passed in the Thirty-ninth and Fortieth Year of the Reign of His present Majesty, intituled *An Act for establishing further Regulations for the Government of the* British *Territories in* India, *and for the better Administration of Justice within the same*, it was enacted among other things, that whenever any *British* Subject should die intestate, within either of the Presidencies of *Fort William, Fort Saint George*, or *Bombay*, or the Territories subordinate or to become subordinate thereto, and on return of the citation to be issued from the proper Ecclesiastical Court, no next of Kin or Creditor should appear, and make out their claim to the Administration of the Effects of the Intestate to the satisfaction of the said Court, it should and might be lawful for the Registrar of such Court, and he was thereby required to apply for, and such Court was thereby directed to grant, Letters *ad colligenda*, or of Administration, to such Registrar, in manner as the said Act set forth: And whereas the said Act doth not expressly provide for the cases of Executors or Administrators, or persons entitled to Administration, as herein-after mentioned, not resident within the Jurisdiction of such Courts, who may have appointed Attornies resident or being therein;

and it hath been doubted whether the said Courts were not required under the said Act, to grant Letters *ad colligenda* or of Administration to their Registrars, in preference to Attornies so appointed; and it is fit that such Doubts be removed; be it therefore enacted and declared, That when the Executor or Administrator lawfully appointed, or person entitled to Administration as next of Kin or residuary Legatee with the Will annexed, of any person deceased, whose Effects shall be subject to the Jurisdiction of any of the said Courts in respect to the granting of Administration, not being resident within the Jurisdiction of such Court, shall have appointed or shall hereafter appoint, either by Power of Attorney under Seal, or by any other sufficient Authority, to be shewn to the satisfaction of the said Court, any person or persons resident or being within such Jurisdiction to act for such Executor or Administrator, or person entitled to Administration as aforesaid, in collecting or administering in any manner the Effects of the Deceased, the person or persons so appointed shall be entitled to obtain Letters *ad colligenda* or of Administration, either General or Special, as the tenor of such authority and the nature of the case may require, preferably to the Registrar of such Court, and all other persons to whom such Executor or Administrator, or persons entitled as aforesaid, would have had a preferable claim, if personally resident within the Jurisdiction of the said Court.

And be it further enacted, That where any such Letters *ad colligenda* or of Administration

For making void Letters of Administrati-

on to Registrar.

shall have been granted to the Registrar of such Court, and application shall be afterwards made by any person or persons so appointed as aforesaid for the revocation thereof, in order to grant other Letters to such person or persons, the Letters so granted to such Registrar shall be revoked, unless it shall appear to the said Court that there has been unreasonable delay, either in the transmission of the authority under which such application is made, or in making such application: Provided always, that when any Letters *ad colligenda* or of Administration shall have been actually granted to the Registrar of any such Court, by virtue of the Act herein-before recited, and shall be revoked on the application of such Attorney or Attornies as aforesaid, it shall be lawful for such Court, if they shall think fit, to direct that the whole or part of any commission, in respect to the Administration of Assets which may arise or become due by virtue of any reasonable custom, obtaining within the Jurisdiction of such Court, shall be allowed to such Registrar out of any Assets which may have come to his hands, regard being had to the trouble and responsibility actually incurred, and to the service rendered by the said Registrar in the collection of such Assets: Provided also, that nothing in this Act contained shall be construed to render necessary the taking out of Letters *ad colligenda* or of Administration from any of the Courts aforesaid, by any such Attorney or Attornies, otherwise than it would have been if this Act had not been made; and that no claim or right to any such commission in respect of

Administration of Effects as aforesaid, shall be deemed to accrue to any such Attorney or Attornies by reason of Letters *ad colligenda* or Administration, taken out by him or them in virtue of such authority as aforesaid, nor any other or further commission than would have been payable to him or them as Agents, either according to the usual and reasonable rates of such Agency, or by special agreement.

Provided also, and be it further enacted, that this Act shall not, nor shall any thing herein contained in anywise prejudice or affect the Rights, Claims, Actions, Suits, or Appeals of any person or persons being entitled or claiming to be entitled either as Principal or Principals, Attorney or Attornies, to the Probate or Probates of any Will or Wills, Codicil or Codicils, or Letters *ad colligenda* or of Administration of the Goods, Chattels, and Effects of any person or persons who shall have died before the passing of this Act, nor the Rights, Claims, Actions, Suits, or Appeals of any person or persons claiming or suing, or to claim or sue for the recal or repeal of any Letters *ad colligenda*, or of Administration granted of the Goods, Chattels or Effects of any person or persons who shall have died before the passing of this Act, which may have been or shall be granted to any such Registrar as herein-before mentioned, nor to the Rights, Claims, Actions, Suits, or Appeals of any person or persons claiming or to claim as Executors, Legatees, or next of Kin of any person or persons who shall have died before the passing of this Act, in any way relating to the Goods, Chattels, Property, Estate

or Effects of such deceased person or persons, or to the Transactions, Acts, Deeds, Neglects, Defaults, Intermeddlings, or Accounts of any such Registrar, relating to any such Goods, Chattels, Property, Estate or Effects, or under or by pretence of any Letters *ad colligenda* or of Administration which may have been granted to him, nor in any way to entitle any such Registrar to any commission, compensation, or allowance, in respect of any thing done or to be done by him in relation to the Goods, Chattels, Debts, Credits, Estate or Effects of any person or persons who shall have died before the passing of this Act, which he would not have been entitled to, if this Act had not been passed; but every person being entitled to or claiming any such Probate or Probates, Letters *ad colligenda* or of Administration, or to have any such Letters *ad colligenda* or of Administration recalled or repealed, or having or being entitled to, or claiming or to claim any such Cause or Causes of Action, Suit, or Appeal, shall be entitled thereto, and all benefit and advantage thereof, and to prosecute and carry on the same, in the same manner as he, she, or they would have been entitled, if this Act had not been passed.

Registrar, when appointed Administrator, to enter in a Book separate Accounts.

And be it further enacted, That in all cases in which the Registrar of any of the said Courts shall be appointed Administrator under the aforesaid Act, besides filing an inventory and account current according to the tenor of the Administration Bond, and the usual course of the Ecclesiastical Court, he shall enter into a Book to be kept by him for that purpose, sepa-

rate and distinct Accounts of each Estate, and of all such Sums of Money, Bonds, and other Securities for Money, Goods, Effects and Things, as shall come to his hands, or to the hands of any persons employed by him, or in trust for him by virtue of any Letters *ad colligenda*, or of Administration granted to him under the Authority of the said Act, and likewise of all payments made by him for or on account of the said Estates, and of all Debts due by or to the same, specifying the dates of such receipts and payments respectively; which said Book shall be kept in the Registrar's Office, and shall be open for the inspection of all such persons, Practitioners in the said Courts or others, as may have occasion to inspect the same, at Office hours, paying such reasonable Fee as may be fixed therefore by the said Courts, and no more; and the said Registrars shall twice in every Year, that is, on the First Day of *March* and the Twenty-second Day of *October*, or on the first Day after those Days on which their respective Courts shall be sitting, exhibit and deliver in open Court, a true and perfect Schedule of all Sums of Money, Bonds, or other Securities, received on account of each Estate remaining under their charge, together with the payment made thereout, and the balances; and also of all Administrations whereof the balances shall have been paid over to the persons entitled to the same, since the period of exhibiting the last Schedule, specifying the amount of such balances, and the persons to whom paid, which Schedules shall be filed of Record in the said Courts, and shall within Fourteen Days afterwards be published in the

Gazettes of the Presidencies within which such Courts are respectively situated, by the said Registrar, who shall likewise cause copies thereof, in triplicate to be delivered to the Chief Secretary at such Presidency, and the same shall be transmitted by the respective Governments at such Presidencies to the Court of Directors of the *East India* Company, who, upon the receipt thereof, shall cause the same to be published in the *London Gazette.*

For removal of persons not being British Subjects.

And whereas it is expedient that the several Governments in the *East Indies* should be enabled to prevent Subjects of Foreign States from residing or sojourning within the *British* Territories there, against the consent of such Governments respectively; be it further enacted, That it shall and may be lawful to and for the Governor General in Council, and to and for the Governor in Council or Chief Officer for the time being of any Presidency, or of any Place not being subordinate to any Presidency under the Government of the United Company of Merchants of *England* trading to the *East Indies,* to cause notice in writing to be given to any person, not being a Native of any Part of the *British* Territories in *India,* or within the limits of the Charter of the said United Company, other than such natural-born Subjects of His Majesty as may from time to time lawfully resort to or reside in the *East Indies,* to remove himself or herself from such Presidency, or from all or any Part of the *British* Territories in the *East Indies,* as may be deemed expedient, within a time to be limited by such notice: And in case any such person

shall not obey such notice, then it shall and may be lawful to and for the Governor General in Council or Governor in Council, or other Chief Officer (as the case may be) of the Place where such person shall be found, to cause such person to be apprehended and brought before the Court of Civil or Criminal Judicature, to the Jurisdiction whereof such Place may be subject; and upon proof being made upon oath to the satisfaction of such Court, by any credible Witness swearing to his knowledge or belief, stating the ground of such belief, that such person is an Alien and the Subject of a Foreign State, and that such notice as aforesaid has been served on such person, either personally or by leaving the same at his dwelling-house, unless such person shall prove that he is a natural-born Subject of His Majesty authorized to reside in *India*, or a Native of the *British* Territories in *India*, or within the limits of the Charter of the Company, for the making which proof reasonable time and opportunity shall be allowed by the said Court, such person shall be remanded by the said Court into the custody of the Governor General, Governor, or Chief Officer, who shall, as soon as may be, cause such person to be removed in such manner as his or her rank, state, and condition in life shall require, by the first convenient opportunity, to the Country or Place to which he or she shall belong, if he or she shall be willing to go thereto, or otherwise to such Country or Place as the Governor General, Governor, or Officer by whose authority he or she shall have been apprehended, or shall be detained, shall be of opinion

shall be most proper, regard being had to the convenience of the person to be removed, and the peace and security of the *British* Territories in the *East Indies*, and of the Allies of His Majesty and the *East India* Company, and of any neighbouring Princes or States; and in the meantime and until such person can be conveniently and properly removed, it shall and may be lawful to detain him or her in such custody or under such guard as the person by whose authority he or she shall have been apprehended or shall be detained, shall see fit and necessary, so as that the person detained may be put to as little inconvenience as shall be consistent with the object of his or her detention: And in case any such person, having removed him or herself in pursuance of any such notice, or having been so removed, shall again wilfully return to any Country or Place from which he or she shall have had notice to remove, without the consent of the Governor or Chief Officer of the Place to which he or she shall so return, it shall and may be lawful to and for the Governor General in Council, or Governor in Council, or Chief Officer of the Place where such person shall be found, to cause such person to be apprehended and detained in safe custody, until he or she shall be discharged out of custody, upon such terms and conditions as the Governor General in Council, Governor in Council, or other Chief Officer at the Place where he or she shall be detained, shall deem sufficient for the peace and security of the *British* Territories, and of the Allies of His Majesty and of the *East India* Company, and of the neighbouring Princes and States.

And be it further enacted, That it shall be lawful to carry into execution any Warrant or Authority, for the apprehension, detention, or removal of any such person or persons as aforesaid, notwithstanding he, she, or they may be in custody, or delivered to Bail, or in execution on any Civil Process, and notwithstanding any Licence, Privilege, or Protection whatsoever; any Law, Statute, or Usage to the contrary notwithstanding: Provided always, that no *British* Subject, nor any Native of the *British* Territories in *India*, or within the limits of the Charter of the said Company, shall be apprehended, detained, or removed, by virtue of any of the provisions herein contained, nor shall any thing herein contained in any wise alter or affect any Law or Statute under or by virtue of which any *British* Subject may resort to or is restrained from resorting to the *East Indies*: Provided also, that it shall not be lawful to apprehend, detain, or remove any person being the Subject of any Foreign State, under or by virtue of this Act, in any way inconsistent with any Treaty made or to be made by His Majesty or the *East India* Company, and to the benefit of which such person shall be entitled.

Warrant or Authority for apprehension.

And whereas by an Act passed in the Thirty-seventh Year of His Majesty's Reign, intituled *An Act for the better Administration of Justice at* Calcutta, Madras, *and* Bombay, *and for preventing* British *Subjects from being concerned in Loans to the Native Princes in India*, it was enacted among other things, that it should be lawful for His Majesty, His Heirs and Suc-

Judges Pensions.

cessors, under certain limitations in the said Act expressed, to direct the payment of a yearly sum out of the Territorial Revenues in *India* to any Chief Justice or other Judge of the Supreme Court of Judicature at *Fort-William* in *Bengal*, who should have resided in *India* as Judge of the said Supreme Court for Seven Years, and to any Recorder of the Court of Judicature at *Bombay*, who should have resided in *India* as such Recorder for Five Years, and who, from age, infirmity, or other cause, to be approved by His Majesty, His Heirs or Successors, should return to *Europe*, not exceeding to any such Chief Justice Two Thousand Pounds *per Annum*, to any such Judge Fifteen Hundred Pounds *per Annum*, or to any Recorder of *Bombay* Twelve Hundred Pounds *per Annum*: And whereas also by the Act herein-before mentioned of the Thirty-ninth and Fortieth Year of His Majesty's Reign, it was enacted, that it should be lawful for His Majesty, His Heirs, and Successors, under certain limitations therein also expressed, to direct an allowance from the said Revenues to any Chief Justice or Judge of the Supreme Court of Judicature at *Madras*, who should have resided in *India* for Seven Years, either as Chief Justice or Puisne Judge of the said Court at *Fort William*, or of the said Court at *Madras*, and should return to *Europe*, for any such cause, and with such approbation as aforesaid, not exceeding, to such Chief Justice Sixteen Hundred Pounds *per Annum*, nor to such Puisne Judge Twelve Hundred Pounds *per Annum*: And whereas it is expedient that provision should be made respecting the said

Allowances, in case of the promotion or removal of any person from any of the said Courts to any other thereof, and also in case of the resignation of any Chief Justice, Judge, or Recorder of any of the said Courts, with the approbation of His Majesty, although the person so resigning should not return to *Europe;* be it therefore enacted, That where any person shall have resided in *India* Seven Years, either as Chief Justice or Judge of His Majesty's Supreme Courts of *Fort William* or *Madras,* or Recorder of *Bombay,* and shall, from age, infirmity, or other cause, to be approved of by His said Majesty, resign the said Offices, it shall be lawful for His Majesty to direct the payment out of the Territorial Revenues, to such person, of a yearly Sum not exceeding the highest rate of allowance limited by the said Acts to such one of the said Offices of Chief Justice or Judge at *Fort William,* Chief Justice or Judge at *Madras,* or Recorder at *Bombay,* as the said person shall have filled, provided he shall have filled the same for Four Years at the least; and that such allowance shall be payable to such Person, although he shall not return to *Europe:* Provided, that if such person be thereafter re-appointed to any of the said Offices, such payment shall from thenceforward cease.

No Action or Suit to be commenced against the Company until after Twenty Days notice.

And be it further enacted, That no Action or Suit shall be commenced against the said United Company, or any of their Servants, or any person or persons whomsoever, for any thing done in pursuance or under colour of this Act, until Twenty Days notice shall have

been given to the said Company, or to the person or persons respectively against whom the same is to be brought, or after a sufficient satisfaction or tender thereof shall have been made to the party or parties aggrieved, nor after Three Years next after the Cause of Complaint shall have arisen; and the Defendant or Defendants in such Action or Suit shall and may plead the general issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to be so done, or that a sufficient satisfaction or tender thereof hath been made before the commencement of such Action or Suit, or that such Action or Suit hath been commenced after the time limited for bringing the same, or in any other manner than as directed by this Act, the Plaintiff or Plaintiffs shall become nonsuited; and in such case, or in any other cases wherein the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his or their Action or Suit after the Defendant or Defendants shall have appeared, or wherein Judgement shall be given against such Plaintiff or Plaintiffs upon Demurrer, or objection in nature of a Demurrer, or where a Verdict, or Judgment in nature of a Verdict, shall pass for the Defendant or Defendants, he or they shall have Treble Costs awarded, to be paid by the respective Plaintiff or Plaintiffs in such Action or Suit.

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RULES

OF THE

SUPREME COURT OF JUDICATURE

AT

MADRAS.

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GENERAL RULES.

I. THAT all Process, whether in Term or Vacation, being tested the day on which it issues, be immediately delivered to the Sheriff or his Deputy, who is to endorse thereon the time when it was received, and to execute the same without delay; making return thereupon to the office from which it issued,—with the manner in which it shall have been executed. General.

II. That the Sheriff be not compellable to execute Process, by himself or his Officers, out of the Honorable Company's Jaghire; but that, in all places beyond the limits thereof, being within the Jurisdiction of the Court, the same be executed by such person, and in such manner, and subject to such terms and security, as the Court or any Judge thereof shall order, under a Warrant or Deputation to be for that purpose specially granted by the Sheriff.

III. That for all purposes relative to the

General.

Jurisdiction of this Court, the limits of Madras be, pursuant to an Order in Council of the 2d November 1798, as follows; viz. "That the Southern limits shall be the Southern Bank of the St. Thomé River, as far as the Road leading to the Long Tank; that the limits shall then be continued in a Northern direction to the Villages of Kilpaukom and Paramboor, and that, from the latter Village, it do take an eastern direction to the Sea, so as to include the whole Village of Tandearpetta; also that no lands situated to the Southward of the St. Thomé River, or to the Westward of the Bank of the Long Tank, or of the Nungampaukom Tank, shall be considered within the limits of the said Town of Madras, but that all the lands included in the said Villages of Chettaput, Kilpaukom, Paramboor, and Tandear, shall be considered within the said limits."

IV. It is ordered, that in all Affidavits, the addition of the party making the same be fully set forth, and that Affidavits previous to Process issuing thereon, to compel the appearance of a Defendant, be not entitled in any cause.

V. That on the first day of every Term, there be given in to the Court by the proper Officer, a Report in writing of all Judgments and Decrees of the preceding Term, as likewise of all Causes wherein one year has elapsed without either party having proceeded therein, of all Petitions for Administrations, Wills, Inventories, Securities, Bonds and Accounts Current filed from the first day of the preceding Term to the date of the Report, such

Report to be afterwards filed and preserved in his office. General.

VI. That the Sheriff, on the first day of every Term, personally deliver in open Court a Statement in writing signed by himself, specifying what has been done in the execution of all Writs, since the date of his last Return.

VII. That the office of the Prothonotary and Registrar be open, from ten till three o'clock in Term, and till two in Vacation; and that the Sealer attend the same every day during the last hour of it's being open, for the purpose of Sealing all Process, Writs, and Commissions.

VIII. That whenever Money or Securities belonging to any Suitor of the Court is or are to be paid in, or deposited in the Company's Treasury, upon an Order obtained for that purpose, the party, accompanied by the Registrar of the Court, shall attend and pay or deliver in the same to the Sub-Treasurer of the Company, the Registrar thereupon taking the Sub-Treasurer's accountable Receipt in duplicate, and making and filing his Report forthwith to the Court, if sitting, if not, to any of the Judges at Chambers, with such Receipt annexed; the duplicate thereof to be annexed to a Certificate of such payment or deposit, (specifying the particulars) to be delivered by the Registrar to the Accountant General of the Court, who will, from time to time, enter Cause-wise, in a Book to be kept by him for that purpose, all such Sums, or Securities for Money, as shall be so certified to him, such Book to be kept in his

General.

office, and to be at all times, within office hours, open to the Suitors of the Court for their inspection, on payment of two Rupees for each search.

That all Money so deposited shall bear an interest of 8 per cent, payable by the Honorable Company, of which a running Account is to be kept.

That when and so often as the Court may direct the whole or part of the Money, or Securities for Money in the Company's Treasury, belonging to any Suitor, to be paid or delivered out, the Accountant General, on production by the Registrar, of the Order of Court for that purpose, shall certify to the Sub-Treasurer accordingly, specifying the amount of the Money, or numbers, dates, and sums of the Securities so to be paid or delivered; and, having annexed such Certificate, with the Sub-Treasurer's Receipt in his possession applicable thereto, to such Order, shall deliver the whole to the Registrar, who shall accompany the party named in the Order to the Treasury, to receive the amount or contents thereof, upon payment or delivery of which the Receipt of the Sub-Treasurer, filed in the Registrar's office, shall also be returned, and a Report made by the Registrar to the Court, or a Judge at Chambers; and the Order of Court, with the Accountant General's Certificate as above required, being left with the Sub-Treasurer, shall be a sufficient discharge for the said Company, and it's Officer, of any Sum or Sums, Bond or Bonds, or other Securities for Money, so paid or delivered to the party named in such Order and Certificate.

That every such Order for payment or delivery by the Sub-Treasurer of Money belonging to any Suitor, so as to be a discharge to the Company and it's Officer, shall be under the signature of one of the Judges, and counter-signed by the Registrar, as well as under the Seal of the Court. General.

IX. That any person who shall be Clerk to a Judge, or shall be in future articled for three years to an Attorney of this Court, with it's privity and consent, shall be deemed qualified to apply to be admitted an Attorney thereof, subject to the Proviso in that behalf contained in His Majesty's late Charter, dated 26th December in the 41st Year of His Reign.

X. That no appearance be allowed to be entered by any Attorney or Solicitor of this Court, for any Defendant, to any Action or Suit therein, unless such Attorney or Solicitor shall produce to, and file with the Prothonotary or Registrar at the time of entering such his appearance, a Warrant of Attorney signed by such Defendant, or by some person duly authorized by him in that behalf.

XI. That the Attornies, Solicitors, and Proctors be responsible to the several Officers of the Court for their Fees; and that, subject to reasonable advances to be accounted for before the Master, they do not in any instance receive or demand the amount of any Bill, or part thereof, till taxed by the Master, and finally allowed by one of the Judges; and no person shall be at liberty to change his Attorney, Soli-

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citor, or Proctor; nor any Attorney, Solicitor, or Proctor, to decline acting for his Client, without the leave of the Court.

XII. That no remuneration whatever, other than what is allowed by the Table of Fees, or shall be inserted in the Attorney's, Solicitor's, or Proctor's Bill, be received, upon any consideration or pretence whatever, from or on account of any Native Client, either pending, previously, or subsequently to any Suit or matter, to be instituted, prosecuted, or transacted for him, or her, in this Court, for official, or professional services, rendered, or to be rendered him or her in such Suit, or in any matter or thing relating thereto, or in any wise respecting the same; and that the Master do in all cases tax a reasonable Fee to Counsel, proportioned to the nature of the Suit or business, and that Counsel's Fees for opinions, when required, be paid by the Attorney, Solicitor, Proctor, or his European Clerk only, and in no case by the intervention of any Native, upon any account whatever.

XIII. That upon taxation, and allowance of any Bill for business done in this Court, and delivery of the same to the Client or party chargeable therewith, if not paid within two weeks after such delivery, an Attachment issue, upon an Order Nisi, founded on a sufficient Affidavit, and made absolute for want of a satisfactory answer to such Affidavit.

XIV. Whereas, by the Charter, the parties in any Cause in which the matter in dispute

exceeds one thousand Star Pagodas, are not allowed to issue Execution against any Defendant, before the expiration of six months from the time of filing the final Judgment or Determination, unless Security be given before the Master to abide the event of any Appeal to be prosecuted by the Defendant; And whereas it often happens that Plaintiffs having obtained Judgment for upwards of a thousand Pagodas against Defendants who are in Gaol, delay to charge them in Execution until after the expiration of such six months. It is ordered, that if any such Defendant being in Gaol after a Judgment shall have been entered up, shall give notice in writing to the Plaintiff or his Attorney, that he has no intention to appeal against such Judgment, thereupon the Plaintiff shall within one month of service of such notice charge such Defendant in Execution; in default whereof the Defendant shall be at liberty to apply to be discharged, in like manner as if the six months from the entry of such Judgment had expired. General.

XV. That the Bills, Answers, Pleas, Demurrers, Interrogatories, Depositions, Examinations, and Reports on the Equity Side of the Court,—and all Pleadings on the Common Law Side, as well as on the Ecclesiastical, and Admiralty Sides of the Court, shall be written and made up in the manner following, that is to say; They shall be written on half sheets of demy paper on one side only, with a quarter of the sheet left as a margin on the left hand side. That the first line on the page shall be at least two inches and a half from the top, and

General.

the last line an inch from the bottom. That there shall be 24 lines on each side; and, between each, an interval of half an inch, or thereabouts, which will leave at the top and bottom the spaces herein-before prescribed. That each line shall contain ten words, and no more; and that each page be distinctly numbered at the bottom thereof. That the half sheets being so written shall be fastened at the top, at an equal distance between the top of the page and the first line; and in cases where the Pleading is long, shall be secured with parchment, to prevent the paper from being torn. That the Master shall make up, and cause to be left in the Prothonotary's office, a specimen of the mode of writing, and making up the records, according to this Rule; and he is hereby authorized and directed, in the taxation of Costs, to make to the Profession, and to the Officers of the Court, a reasonable allowance for the increased consumption of paper, which may be occasioned by the practice prescribed by it.

PLEA SIDE.

Plea Side.

XVI. That where a Hindoo or Mahomedan woman is Defendant, the first Process be a Summons, and that no original Capias, or Capias ad satisfaciendum issue against such Defendant, without an order for that purpose, grounded upon an Affidavit, by which it shall appear, to the satisfaction of the Court, or one of the Judges thereof, that such Native woman is not of a rank or cast which would, according to the manners and usages of the Natives, exempt her from a similar Process; and that such Writ is necessary to the due execution of the Law, and attainment of Justice.

XVII. That where the Plaintiff shall have proceeded by Summons, the Defendant shall, within four days after Return thereof, enter an appearance in the office of the Prothonotary, and plead within four days after the demand of a Plea by the Plaintiff; and, in all other cases, shall enter such Pleadings as the state of the Cause shall require, within four days after service of a Rule by the Plaintiff for that purpose.

XVIII. That every Plaintiff proposing to proceed by Capias, so as to arrest and hold in custody the body of the Defendant, do, in the Affidavit to be made by him for that purpose, swear that, to his belief at least, if not to his knowledge, he is in circumstances to maintain himself in Gaol.

And whereas a practice has subsisted in

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this Court, derived from the antecedent Judicatures of the Court of Recorder, and Mayor's Court, of allowing to Prisoners in the Debtors Gaol on Mesne Process a certain weekly batta; upon failure in the payment of which, on the part of the Plaintiff, after notice, it has been the course, upon application for the purpose, to discharge the Defendant from such custody, which practice, not being the subject of any Rule of the Court, requires to be modified by Rule, confining it to cases of proved necessity: It is further ordered, that, henceforward, the allowance to persons in custody upon Mesne Process, not able to support themselves, to be paid or caused to be paid by the person or persons at whose Suit they are so in custody, be as heretofore, viz. to Europeans, at the rate of three, and to Natives at the rate of two Fanams a day, the same to be paid weekly, upon Monday in every week, but to depend upon an Order of Court, or of one of the Judges thereof, to be made in each particular case, in which such allowance shall be required; for which purpose it shall be necessary for the Defendant, so in custody, to petition the Court, or one of the Judges thereof, the Petition to be substantiated upon oath, stating particularly who, and what he is, with his circumstances, in such manner as may shew that he has not the means of subsistence in Gaol, upon which it shall be competent to the Plaintiff, or his Attorney, to attend upon a day to be named by the Court, or should the application have been to a Judge in Chambers, then before the Sitting Judge, on the day of attendance at Chambers next following that upon which the Peti-

tion shall have been presented, to oppose the same, the Defendant having given him or his Attorney previous notice of his intention of petitioning, subjoined to a copy of his Petition to be served upon him or his Attorney. Plea Side.

And if neither he nor his Attorney attend accordingly, or shall not, having attended, be able to oppose such Petition with success, that then such Order shall be made thereupon as the case may seem to require, pursuant to this Rule: Provided always, that the Plaintiff may, at any time, by writing under his hand, to be filed in the office of the Prothonotary, consent to make to the Defendant the allowance hereby stipulated, so as to dispense with the necessity of an application on the part of the latter for the purpose; and upon proof of non-payment for any week of such respective sum, so having been ordered or agreed to be paid, that the party so in custody complaining of such failure, be discharged from the same, upon filing Common Bail.

XIX. That where any Defendant, having been arrested, shall have entered into a Bail Bond with the Sheriff, such Defendant shall, within four days after execution of the Process, put in Special Bail before a Judge of this Court, by entering in a book, to be kept by his Clerk for that purpose, the names, additions, and places of abode of such Bail, together with the name of the Defendant, and his Attorney; of all which he shall, on the same day, give notice to the Plaintiff; who, if he be not satisfied therewith, shall,

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within two days after it has been put in, enter an exception in the said book, and give immediate notice thereof to the Defendant, in which case the Defendant may forthwith put in other Bail, giving like notice to the Plaintiff as before; and if the Plaintiff does not thereupon make an entry in the said book that he is satisfied, the Bail (whether excepted to, or added) shall, within three days after such exception, and one day's notice of justification, proceed to justify on Oath before the Court, or any Judge thereof.

XX. That where any Defendant, having been arrested, and not having entered into a Bail Bond with the Sheriff, shall be in custody upon such arrest, the Plaintiff shall have four days for excepting to any Bail put in by such Defendant, from the day of notice thereof, subject, in all other respects, to the like Rule and Order as to proceedings in relation to such Bail, as is before directed, in case where a Bail Bond has been given to the Sheriff.

XXI. That the Plaintiff not having excepted in time, and Affidavit of notice of Bail being made, or the Plaintiff having entered that he is satisfied therewith, or the Bail having justified, the Bail Piece shall be delivered to the Prothonotary, who shall forthwith sign and file the same, and thereupon the Bail Bond to the Sheriff shall be discharged, or the Defendant, if in custody, released.

XXII. That in all cases, where the Bail Piece shall have been filed, the Plaintiff may

have a Rule for the Defendant to plead within four days, or may enter such Rule *de bene esse*, before the Bail Piece be filed; and the Defendant, if served therewith four days before the day of such filing, shall plead on the day on which the same shall be filed, or within four days after the service of such last mentioned Rule. Plea Side.

XXIII. That where the Defendant shall be in custody at the time of filing the Plaint, either for a contempt in not having appeared on service of a Summons for that purpose, or otherwise; or where he shall have been arrested on a *Capias ad respondendum*, and committed for want of Bail, the Plaintiff shall in any of these cases file one for him within four days from the Return of the Writ into the office; and shall proceed to serve him with Rules to plead, and with all other Rules, Orders, and Notices, and with like effect, as if the Defendant have himself filed an appearance; such Rules, Orders, and Notices to be deemed well served, by delivering them to the Gaoler, who shall, immediately upon receipt thereof, deliver the same to the Defendant. And that, in all cases, where the Plaintiff shall have neglected so to enter an appearance, or having entered it, shall neglect to proceed within two Terms thereafter, as the state of the Cause may require, the Defendant be entitled to apply for his discharge, when such Order shall be made on his behalf, as if he had entered an appearance for himself, and the Plaintiff had thereupon neglected to proceed within two Terms, as aforesaid.

XXIV. That if the Defendant, being sub-

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ject to the Jurisdiction, is not to be found therein, and a Return to that effect shall have been made by the Sheriff, a Sequestration against his property shall, upon Order for that purpose, issue, of which the Sheriff, if the Defendant be other than one of His Majesty's British Subjects, shall cause to be stuck up at the time, in some conspicuous place at or near where the property is, as may be, a true Translation into the Language of such Defendant; and if no appearance is thereupon entered, Proclamations not exceeding two, shall, upon Motion, by the Plaintiff, be made in open Court, from time to time, for the Defendant to appear; and if he continue to make default, the cause shall be liable to be set down for hearing *Ex-parte*; and, upon due proof of the debt or demand, Judgment be recoverable against him, to be levied by virtue of a writ for that purpose, out of his property sequestered in the hands of the Sheriff, subject to such Order, as to the surplus, as shall be made therein.

XXV. That in every action against several Defendants subject to the Process of this Court, where one of them is absent so as not to be found, or keeps out of the way, the Plaintiff upon Return thereof, and Certificate of such Return, and if the Defendant be a Native, with an Affidavit, stating when he was last known to have been resident at Madras, or elsewhere within the Jurisdiction, with his supposed actual place of residence, so far as it may be known to the Plaintiff, at the time of making of the same, and on motion thereupon, shall have an Order to the Sheriff, in the nature of a Writ of

Exigi facias, directing him at such times and places, and in such manner as shall be therein specified, to make or cause to be made Proclamation, that the Defendant do render himself, to answer the Plaintiff in the said Action; and, on failure thereof, that Judgment, in the nature of Judgment of Outlawry, be awarded against him by the Coroner; and such Judgment being returned by the Sheriff upon the said Order, that a Writ, in the nature of a Writ of *Capias Utlagatum* do issue, and that thereupon the Plaintiff be at liberty on motion for that purpose, to amend his Plaint, by striking out the name or names of the Defendant or Defendants so outlawed; and to proceed against him, her, or them who shall be in custody, or otherwise have appeared to the Action. Plea Side.

XXVI. That in every case where the Defendant having appeared, neglects to plead in such manner as the state of the Cause may require, the Cause may be heard *Ex-parte*, upon an Order of the Court, or of any Judge thereof in Vacation for that purpose, grounded on an Affidavit, that a Rule to plead has been duly served, and a Certificate from the Prothonotary that no Plea has been entered; or where no Rule to plead, is necessary, upon an Affidavit of a demand of a Plea, with a Certificate of the Prothonotary alone, that an appearance has been duly entered, and no Plea filed; whereupon the Prothonotary shall proceed to make up the Record, and no Plea or Pleading whatsoever shall be received from such Defendant, or any evidence be admitted for him on the trial, unless such Order shall have been

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discharged, for good and sufficient cause, and upon terms consistent with Justice.

XXVII. That the Pleadings in this Court be in as few words as the nature of the subject will admit; the Plaint in every case containing a special averment how the Defendant is subject to the Jurisdiction, and, if brought upon any matter of contract or dealing, not specially disclosed therein, that there be annexed thereto a Bill of Particulars, specifying exactly the items, and extent of the Plaintiff's demand, against which, if the Defendant intend to set off any thing, that he annex in like manner to his Plea or Notice, a particular account of the same, to which, in either case, the parties shall be afterwards restricted in the evidence to be given at the trial.

XXVIII. That in all cases where the Defendant or Defendants shall have been arrested, or holden to Bail, he or they shall be entitled to move within the last four days of the Term, next after issue joined, in case the Plaintiff or Plaintiffs shall not then have set down the Cause for trial, upon giving two days notice of such motion, for the like Judgment as in case of a nonsuit—and if upon cause shewn, a further time shall be allowed, it shall be subject, in the event of a second default, on the part of such Plaintiff or Plaintiffs, to the like Judgment, to be moved for in the like manner, and at the like time, in the next following Term, as are herein-before directed upon the first default.

XXIX. That when issue is joined, the

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Prothonotary, if required, do proceed to make up the Record,—that the Plaintiff, having entered the Cause for that purpose, be entitled to have it tried, giving the Defendant six days notice in writing, if resident within the limits of Madras, and, if beyond the same, then such Notice as the Court, upon application, shall specially direct; and if such Notice be not countermanded within four days of trial, in the one case, or, in the other, within such time as the Court shall think reasonable, and the Plaintiff neglect to proceed to trial pursuant to it, that he be subject to pay such Costs as the opposite party shall have been necessarily put to thereby, and do not proceed to trial on any future day, without paying such Costs, and giving such Notice as is by this Rule required.

XXX. That in all cases where a Plaintiff shall enter his Cause for trial, and afterwards give a Notice of countermand thereof, (such Notice being in itself regular) he do, in the ensuing Term, again enter the said Cause for trial, upon any day previous to the last six days of the said Term, (giving to the Defendant regular notice thereof;) and, in default thereof, that the Defendant be at liberty, within the last six days of Term, to move for a Rule to enter up Judgment, in like manner as in case of a nonsuit.

XXXI. That the Prothonotary having set down all Causes for trial, immediately on the application of the parties, in the order in which they shall be entered, do make out lists of the same, to be fixed up, before the day of trial, in some conspicuous part of his office, and of

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the Court; and that no Cause be entitled to be tried at the Sittings after any Term, which shall not have been entered for that purpose within, and before the last day of Term.

XXXII. That on every trial, the Prothonotary read and sign the Exhibits, and also mark on them the day of the month and year, with the name of the party for whom they shall have been adduced, and where the Cause may be appealed, reduce into writing the Depositions of the Witnesses, who shall severally subscribe the same, to be afterwards attested by the Prothonotary; and if the Judgment be for a sum exceeding one thousand Pagodas, that copies of such Exhibits and Depositions remain with the Pleadings in his office, till the time for appealing is out, or, in the event of an appeal, till it's determination; in either of which cases the whole, together with the final Judgment, shall be filed on record.

XXXIII. That before the entering of any Judgment, the Costs shall be taxed by the Master, who shall give a Certificate, as well thereof, as of the amount recovered by the Verdict, according to which the Prothonotary shall enter up Judgment.

XXXIV. That the Prothonotary, after entering the Judgment, immediately docket the same in a book to be kept by him for that purpose, by setting down the name of the Plaintiff and Defendant, and their Attornies, and the Debt or Damages recovered, or Costs, if the Judgment be against the Plaintiff, with the

Term and number of the Roll wherein the Judgment is entered; and likewise keep an alphabetical list, referring to such docket, of the names of the parties against whom Judgment shall be given. Plea Side.

XXXV. And whereas, by the Charter of the Supreme Court, the parties in any Cause in which the value of the matter in dispute exceeds one thousand Pagodas, are not allowed to issue Execution against any Defendant before the expiration of six months from the time of filing the final Judgment, unless Security be given before the Master, to abide the event of any appeal to be prosecuted by the Defendant; And whereas it often happens that Plaintiffs having obtained Judgment for upwards of one thousand Pagodas against Defendants who are in Gaol, delay to charge them in execution, until after the expiration of such six months, in order to avoid the necessity of giving such Security; It is ordered, that if any such Defendant being in Gaol, when or after a Judgment shall have been entered up against him, shall give notice in writing to the Plaintiff or his Attorney, that he has no intention of appealing against such Judgment, the Plaintiff shall thereupon, within one month from the service of such Notice, charge such Defendant in execution; in default of which, the Defendant shall be at liberty to apply to be discharged, in like manner as if the six months from the entry of such Judgment had expired.

XXXVI. That no Judgment, upon any Warrant of Attorney to confess Judgment,

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be entered after a year and a day from the granting of the same, without leave given upon Affidavit, shewing the due execution thereof; that the Debt or part of it is still due, and the time when the Defendant was alive; and that no Warrant of Attorney to confess Judgment be taken from any British or European Subject, being in custody under an arrest, or from any Native subject to the Jurisdiction, whether so in custody or otherwise, but in the presence of an Attorney for such person, who shall subscribe his name thereto, and that such Warrant be produced at the time of acknowledging the Judgment, and be filed by the Prothonotary.

XXXVII. That no Judgment be signed upon any Warrant, authorizing any Attorney to confess Judgment, without such Warrant being delivered to, and filed with the Prothonotary, who is hereby ordered to file the same in the order in which they shall be received: And it is further ordered, that every Attorney of this Court, who shall prepare any Warrant of Attorney to confess any Judgment, which is to be subject to any defeasance, do cause such defeasance to be written on the same paper or parchment, on which the Warrant of Attorney shall be written, or cause a memorandum in writing to be made on such Warrant of Attorney, containing the substance and effect of such defeasance.

XXXVIII. That in every Action in which the Plaintiff or Plaintiffs shall be entitled to levy under an Execution, against the goods of any Defendant, such Plaintiff or Plaintiffs may

also, agreeably to the constant course in the late Courts of the Mayor and Recorder, levy poundage, fees, and expenses, of the Execution, over and above the sum recovered by the Judgment. Plea Side,

XXXIX. That the Prothonotary keep a book, in which he shall enter immediately after the filing of any Bail Piece, the names of the parties to the Cause, and of the Bail, and the name of the Defendant's Attorney, and the day of the month and year, in which the said Bail was taken.

XL. That the Prothonotary keep a separate book for the purpose of entering therein all Surrenders in discharge of Bail, and the Commitments of Defendants so surrendered, and of all persons committed on the Plea Side of this Court, with a memorandum of the cause of such Commitment, and the name of the Suit, if such Commitment be on account of any matter arising in a Cause, and also an alphabetical list of the names of the persons so committed, referring to such memorandums.

XLI. That the Prothonotary enter in a book, to be kept by him for that purpose, all Rules (Rules for Pleading excepted) that shall be made in Causes, and that he enter in another book to be kept for that purpose, minutes of every Motion, and every Judgment, pronounced in the same.

XLII. That the Record be entered on a Roll of that Term in which the Plaint was filed,

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and bear a Caption setting forth the year of our Sovereign Lord the King, His Heirs or Successors, and His or Their Stile or Title, as also the Stile of the Court, and naming the Term and year of our Lord, in which the Plea was holden, and that each Roll be marked at the bottom with the number thereof, and that there be marked in the margin the day of the month and year on which any Judgment shall be entered on the Roll, together with the name of the Attorney and of the party, in whose behalf the same is entered.

XLIII. That all Records and Muniments delivered to the Prothonotary be safely kept by him, and classed in a regular order; that there be constantly in his office a book containing dockets of the names of the parties, their Attornies, and number of the Roll; and that there be also an alphabetical list of the names of the parties to such proceedings, in order that recourse may be speedily had thereto.

XLIV. Whereas, by the 39th and 40th of His present Majesty, Ch. 79, Sect. 23, the Court is empowered to make Rules and Orders for the relief of Insolvent Debtors. It is ordered that in every case where any person, who now is or shall hereafter be charged in execution for any sum or sums of money not exceeding Pagodas one thousand, shall be willing to surrender to his Creditor or Creditors, who have charged or shall so charge him in Execution all his estate and effects toward satisfaction of the Debt wherewith he stands so charged, upon giving eight days notice in writing of his intention to the

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Creditor, or Creditors at whose Suit he stands so charged, or if dead, to their legal Representatives, and if neither Creditor or legal Representative can be found, then to the Agent or Attorney last employed in the Suit, it shall be competent to such party to exhibit a Petition either to this Court, or to either of the Judges, pursuant to the form hereunto annexed, and such Notice, as aforesaid, being proved to have been duly given, such Petition shall be received, and upon a Rule or Order to be thereupon made for that purpose, the Petitioner being brought up to Court or before either of the Judges, some certain day and time to be specified, and the Creditor, or if dead, his legal Representative, also appearing personally or by his Attorney, the same day and time, or in case of refusal or neglect so to appear, then upon proof of the due service of the Rule or Order, the matter of the said Petition shall be examined into, and every thing heard that can be on either side alleged for or against the discharge of the person exhibiting the same, and upon Oath being made by such Petitioner in open Court or before either of the Judges, in manner and to the effect hereafter prescribed and set forth, and an assignment executed by him of the property contained in any account annexed to his said Petition, or of as much thereof as may be sufficient to satisfy the debt or debts wherewith he shall stand charged, he shall, if the said Court, or either of the Judges do think fit, be forthwith discharged out of custody by Rule or Order, and such Rule or Order being produced to, and a copy thereof left with the Sheriff or Keeper of the Prison, the same shall be a suffi-

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cient Warrant to him, to discharge such person being detained for the causes mentioned in his Petition, and no other: And it is further ordered that the person, or persons to whom the property of any such Petitioner shall be so assigned, shall with all convenient speed, sell and dispose of the same, and shall divide the nett produce thereof among the Creditors of every such Petitioner (if more than one) who shall have charged him in execution, before the time of such his Petition being exhibited, rateably in proportion with their respective Debts; but in case any Plaintiff shall not be satisfied with such Petitioner's Oath, and shall either personally or by his Attorney, if he himself cannot attend, and proof shall be made thereof, to the satisfaction of the Court, or either of the Judges, desire further time to inform himself of the matters contained therein, then any such Petitioner shall be remanded, and such Plaintiff shall appear, either in person or by his Attorney, on some other day to be appointed by the Court or either of the Judges, some time at furthest within the first week of the Term, next following the time of such examination, and all objections that shall be made as to the insufficiency in point of form, against any Schedule of such Petitioner's property, shall be only made the first time any such Petitioner shall be brought up, and if at such second day that shall be appointed such Plaintiff, so dissatisfied shall make default in appearing either in person or by his Attorney, or in case he shall appear, and shall be unable to discover any property omitted, in the account set forth in the said Petition, then and in any such case, the Court or either of the

Judges shall, by Rule or Order, immediately cause such Petitioner to be discharged, upon his executing an assignment as aforesaid of such his property, unless such Plaintiff do insist on such person being detained in custody and shall agree by himself or his Attorney, in writing, to pay and allow a weekly sum, not exceeding forty-two Fanams to Europeans, and twenty-eight to Natives of India, as the Court or either of the Judges shall think fit, unto such Petitioners, to be paid every Monday in every week, so long as he shall continue in execution at the Suit of such Plaintiff, and in every such case every such Petitioner shall be remanded back to prison, but if any failure shall at any time be made in the payment of such weekly sum, such Petitioner, upon application in Term time to the Court, or in Vacation to either of the Judges, shall be discharged out of custody, proof being first made on Oath of the non-payment for any week, of the sum of money so ordered and agreed to be paid, and an assignment of the property of the person so to be discharged, being also first executed in manner herein-before directed. And it is further ordered, that when more Creditors than one shall charge any person in execution and shall desire to have him retained in prison, such and every such Creditor and Creditors, shall only respectively pay such weekly sum of money, not exceeding twenty-eight Fanams to Europeans, and eighteen to Natives of India, on every Monday in every week, to and for every such respective prisoner, as the Court or either of the Judges shall at the time of his being remanded, direct and appoint: And it is further ordered, Plea Side.

Plea Side.

that a copy of this Order be affixed in some conspicuous part of the Debtors Prison as well in English, as in the Gentoo, Malabar, and Persian Languages, and there continue for the information of the Prisoners.

And whereas, by the absence of Plaintiffs and their Attornies, difficulties may arise in giving notice to such Plaintiffs and Attornies by Insolvent Prisoners within and desirous of taking the benefit of the foregoing Rule, according to the requisition of the same. It is ordered that on Affidavit being made to the satisfaction of this Court, or a Judge thereof, by the Agent or Attorney of any Prisoner desirous to take the benefit of the said Rule, that neither the Plaintiff at whose Suit such Prisoner is charged in execution, nor his Attorney, can be found within the Town of Madras or ten miles thereof, if the Court or the Judge to whom such Affidavit shall be produced shall think fit to order a Notice written in the Language spoken by such Plaintiff, and to the purport of the Notice required by the said Rule, to be served on such Plaintiff or his Attorney, to be fixed on the door of the Court House, and on the gate of the Prison for the space of fourteen days, and if the same shall be fixed accordingly and neither such Plaintiff or his Attorney shall appear at the expiration of the said fourteen days and accept such Notice as is required by the said Rule, such Prisoner may proceed to take the benefit of the said Rule in the same manner as if he had served such Plaintiff or his Attorney with Notice of the Rule.

FORM OF PETITION.

Plea Side.

In the Supreme Court of Judicature at Madras.

To the Honorable *Sir* THOMAS ANDREW STRANGE, *Knight*, Chief Justice; The Honorable *Sir* FRANCIS MACNAGHTEN, *Knight*; and the Honorable *Sir* JOHN HENRY NEWBOLT, *Knight*, Puisne Justices of the same Court.

The Humble Petition of A. B.

SHEWETH,

That your Petitioner is charged in execution in the Prison of this Court, at the Suit of C. D. by Process issuing out of the same for the sum of Pagodas , Costs included, and that your Petitioner hath given notice of petitioning this Honorable Court, and at the same time caused a copy of the Account or Schedule hereunto annexed, to be delivered to the said C. D.

Your Petitioner therefore most humbly prays the benefit of a Rule of this Honorable Court made for the relief of Debtors with respect to the imprisonment of their persons, and that this Honorable Court will be pleased to command the Keeper of the said Prison to bring your Petitioner before the same, and further to order that the said C. D. your Petitioner's said Creditor, be summoned to appear to shew cause why your Petitioner should not be discharged from the said Execution, pursuant to the said Rule.

FORM OF OATH.

I, A. B. do swear, in the presence of Almighty

Plea Side.

God, that the Account by me set forth in my Petition, presented to this Honorable Court, doth contain a full and true account of the real and personal estate, debts, credits and effects whatsoever, I or any in trust for me at the time of my first imprisonment in this Action, or at any time since had, or was in any respect entitled to, in possession, reversion or remainder, excepting the wearing apparel and bedding of or for me and my family and the tools or instruments of my trade or calling, not exceeding ten Pounds in value in the whole, and also an account how much of my real and personal estate, debts, credits, or effects hath since been disposed of, realized or discharged, and how, to whom, and on what consideration and for what purpose, and how much thereof I or any person or persons in trust for me have or at the time of presenting my said Petition to this Honorable Court had, or which I am or was, or any person in trust for me, or for my use in any ways interested in or entitled to, in possession, reversion, remainder, or expectancy; and also a true account of all deeds, writings, books, papers, securities, bonds and notes relating thereto, and where the same respectively now are to the best of my knowledge and belief, and what charges are now affecting the real estate I am now seized of or entitled to, (if any), such Prisoner or Prisoners shall be then seized of any real estate, and that I have not at any time before or since my imprisonment, directly or indirectly sold, leased, assigned, mortgaged, pawned or otherwise disposed of, or made in trust for myself, or otherwise than is mentioned in such Account, any part of my

messages, lands, tenements, estates, goods, stock-money, debts, or other real or personal estate, whereby to have or accept of any benefit, advantage, or real profit to myself or family, or with any view, design or intent to deceive, injure or defraud any of my Creditors, to whom I am indebted. Plea Side.

So help me God.

EQUITY SIDE.

Equity Side.

XLV. THAT when Defendant lives within the limits of Madras, Process be returnable immediately, and an appearance entered for such Defendant within four days from the Return thereof. And in case Defendant's residence be beyond the said limits, such time shall be allowed for the Return of all Process issued against him, and for any act to be done by him conformably thereto, as the Court, if the same be sitting, or one of the Justices thereof in Vacation, in their discretion shall direct.

XLVI. That the whole time for answering, pleading, or demurring, when Defendant resides in Madras, or within the limits of the Jaghire, do not exceed six weeks from the time of receiving a copy of the Bill from the Registrar; and that no further time be granted for that purpose, unless on Motion or Petition, grounded upon very special cause verified by Affidavit, the Court, if sitting, or one of the Justices thereof in time of Vacation, shall order or allow the same, of which Motion or Petition three days notice at least shall be given to the Plaintiff's Solicitor, previous to the expiration of the ordinary time granted by this Rule; and in case the Court, or any Justice thereof, shall think proper to grant further time, then such Defendant shall undertake to enter an appearance in four days, should he not have done so previously, and consent to put himself in the same situation, and submit to the

Equity Side.

same Process, as if the Commission of Rebellion were returned *non est inuentus*, in case he do not file his Answer on or before the expiration of the time so granted: And that, when an Answer is filed, notice thereof be given to the Plaintiff or his Solicitor, by the Solicitor of the Defendant.

XLVII. That all further or amended Answers be filed in eight days after exceptions to the original have been allowed, or Order to amend has been obtained, unless further time shall be given to put in the same, upon application to the Court, if sitting, or to a Judge thereof, in Vacation.

XLVIII. That in case any Defendant, against whom a Bill shall be filed in this Court and Process shall issue, do not cause his appearance to be entered with the Registrar, within such time, and in such manner as the same ought to have been entered, and an Affidavit be made to the satisfaction of the Court, or any of the Justices of the same, that such Defendant is gone beyond Sea, or that on enquiry at his usual place of abode, he could not be found, so as to be served with Process, and that there is reason to belive that he has departed the Jurisdiction of the Court, or is otherwise absconding to avoid it's Process, the fact or information on which such belief is grounded being specially stated in such Affidavit, then, and in such case, the Plaintiff may have an Order, directing the appearance of the Defendant at a certain day, a copy whereof shall be stuck up in the Court House, and on

the outside of the door thereof, and likewise at the sea gate, and some public place in the Black Town, and the said Defendant shall be three times publicly proclaimed in Court, during the sitting of the same, on three several days distant from each other, at least three days; and, in case he shall not appear within the time limited, or within such further time as the Court shall think proper to grant, on proof made of such publication and proclamation as aforesaid, the Plaintiff's Bill shall as against such Defendant, be taken *pro confesso*, provided if such Defendant be resident in Great Britain or Ireland, that such Suit shall have been commenced within two years after it's cause arose, and the sum to be recovered be not of greater value than 7,500 Pagodas. And, where any Defendant shall have regularly appeared, and shall not have put in his Answer within the time directed, and shall have been in consequence thereof committed for contempt, and having been brought into Court, and heard the Plaintiff's Bill read to him, shall have refused to answer the same, or in case any Defendant shall have appeared, but shall not have put in a full Answer within the time granted by the Court, and Process shall have been awarded against him, to the extent of the Writ of Sequestration, the Bill shall be taken *pro confesso*, as against such Defendant. Equity Side.

XLIX. That no person who shall be in contempt shall be heard by Petition, Motion, or otherwise, until cleared of the same, and until he shall have paid the Costs allowed by the Master consequent to such contempt; and

Equity Side.

that, after a contempt duly prosecuted to a Writ in the nature of a Commission of Rebellion, and Return thereof, no Commission to take an Answer shall be granted, nor any plea, or demurrer allowed, but on Motion and Affidavit satisfactory touching the delay, and likewise on payment of such Costs as the Court, or any Justice thereof, shall direct.

L. That where the Plaintiff shall except to the Answer of the Defendant, he do file his exceptions in writing with the Registrar, and deliver a copy of the same to the Solicitor of the Defendant within fourteen days after receiving a copy of the Answer from the Registrar; and if such Defendant do, within four days after such delivery, either submit to amend his Answer in the particulars excepted to, and pay the Plaintiff's Solicitor his taxed Costs, or satisfy him of the invalidity of his exceptions, the Plaintiff do then proceed to file his Replication; But if the Defendant shall fail so to do, or put in a second insufficient Answer, then that the Plaintiff be at liberty to set down the exceptions with the Registrar to be argued, in four days after the same are set down, in open Court, if the said four days shall expire in Term time, and, if in Vacation, then before one of the Judges thereof; and if such Answer shall be held insufficient, then that the Defendant pay such Costs, as the Court or a Judge thereof shall award; but if on the contrary it shall be held sufficient, then that the Plaintiff be subject to such Costs, as shall be awarded against him. And if a second Answer be put in, (after the first has been ruled insufficient), and the same

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be afterwards adjudged insufficient, as to any of the points previously ruled insufficient, double Costs shall be awarded against the Defendant; and, on a third insufficient Answer, the Defendant shall pay treble Costs, and be thereupon examined on interrogatories to the points holden to be insufficient, and be further committed, until he shall have put in a perfect Answer, and discharged all Costs.

LI. That when exceptions shall be taken to an Answer for not being full, the several parts of the Bill which the Complainant alleges to have been unanswered, or insufficiently answered, shall be numbered in the margin of the Bill, with numbers correspondent to the several exceptions of the said Complainant; and if the Defendant should not submit to answer further, but allege his Answer to be sufficient, that he shall in the margin of his Answer mark with numbers, corresponding with those in the Complainant's Bill, the part, or the several parts of his Answer, which he may rely upon as amounting to a full Answer.

Thus, if the matter which the Complainant supposes insufficiently answered be set forth in the stating, charging, and interrogating part of his Bill, it shall be marked with the same number in each of those parts, or in the part or parts in which it may be set forth; and the part or parts of the Defendant's Answer, which he means to rely upon as amounting to a full Answer, shall be marked with the same number which shall have been used by the Complainant, for pointing out the part or parts of his Bill,

Equity Side. alleged by him to have been insufficiently answered.

If an Answer be referred for scandal or impertinence, the Complainant shall mark by numbers, in the margin of the said Answer, the several parts which he may deem to be scandalous or impertinent; and the Defendant, if he does not submit, shall mark with corresponding numbers, in the margin of the Complainant's Bill, such parts of it as he may intend to rely upon, as justifying the several parts of his Answer, so referred by the Complainant as aforesaid.

And if the Complainant's Bill shall be referred for prolixity, or any other cause, the Defendant shall mark in the margin of it such parts as he conceives are objectionable, with the cause of their being so.

And the Court will not in future attend to any objection or exception on the aforesaid grounds, unless they shall have been pointed out to it's notice as above ordered.

LII. That within fourteen days after receiving a copy of the Answer from the Registrar, (unless there be more than one Defendant, and then within fourteen days from receiving a copy of the last answer) the Plaintiff (in case he doth not except to such Answer) do file his general Replication; (no special one being to be allowed under any pretence whatsoever), and that, on failure thereof, the Defendant may move for a Rule to shew cause, why the Plain-

tiff's Bill should not be dismissed, and unless cause be shewn satisfactory to the Court, that the same be dismissed accordingly. Equity Side.

LIII. That after Replication filed, the Plaintiff be entitled to a Subpœna to rejoin, returnable within two days; and if the Defendant do not rejoin before the Return thereof, that the Plaintiff do file a Rejoinder for him, and proceed to the examination of Witnesses.

LIV. That the Complainant, where he intends to examine Witnesses, do file his interrogatories in three weeks after Replication; and if the Complainant do not set down the cause for hearing, or file his interrogatories within the time above specified, the Defendant may dismiss the Bill with Costs for want of prosecution, unless the Complainant, on being served with an Order Nisi for so dismissing his Bill, comes in, and pays the Costs of the said Order, and undertakes to set down his cause, or file interrogatories within one week from the day on which the Defendant was entitled to make his Order for dismissing the Bill absolute, subject to the Court, or a Judge thereof in Vacation, seeing reason to allow further time, and unless the cause be so set down, or the interrogatory filed within the time so granted, the Bill shall stand absolutely dismissed.

LV. That if the Complainant, after filing his interrogatories, do not proceed to examine Witnesses, or take out a Commission for that purpose within twelve days, (subject to leave being obtained for further time) the Defendant

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be at liberty to move to dismiss the Bill with Costs for want of prosecution; and that, in order to give the adverse party an opportunity of preparing and filing cross interrogatories in time, six days notice of the intended examination of a party in chief be served on the opposite Solicitor.

LVI. That the Complainant in every Cause be at liberty at any time after issue has been joined, to serve an Order on the Defendant to file his interrogatories within three weeks from the service of the same; and should the Defendant not file his interrogatories within the time above specified, or, having done so, not proceed to examine his Witnesses, (or to take out his Commission, where a Commission may be necessary) on or before the last of eight days, the first to be computed from the end of the three weeks allowed him for filing his interrogatories, the Complainant be at liberty to enter with the Registrar an Order for Publication to pass in four days, to be made absolute at the expiration of the same, unless the Defendant comes in, and pays the Costs thereof, undertaking at the same time to file his interrogatories, and commence the examination of his Witnesses, or take out his Commission, (as the case may be), and proceed therein on or before the day on which the Complainant would have been entitled to have had an Order for Publication to pass, unless further time shall have been granted by the Court or a Judge thereof.

LVII. That proof be in general made before publication; but should the Master, upon

a reference, find the same deficient in any particular point or circumstance, which could not properly be examined to before the hearing of the Cause, he shall be at liberty to examine thereto; or, if necessary, shall settle interrogatories for a Commission to examine in the place where the Witnesses happen to be, the party applying for such Commission producing a Certificate under the hand of the Master, certifying that such examination is necessary, and that the particular point and circumstances, to which the said Witnesses are to be examined, were not fully proved, nor could properly be examined to, before the hearing of the Cause; which Commission, and the Depositions thereby taken, shall be returned to the Master so certifying, unopened; and publication passed by him in like manner as is usual on other Commissions for the examination of Witnesses, beyond the limits of Madras. Equity Side.

LVIII. That the Depositions being copied, and delivered out, the Plaintiff may set down his Cause for hearing with the Registrar, and take out a Subpœna to hear Judgment, returnable in four days; but that no Subpœna be taken out, nor the cause set down for hearing, until fifteen days from the time of passing Publication; and if the Defendant do not appear to hear Judgment at the time mentioned in the Subpœna, and Affidavit be made to the due service thereof, the Court will proceed to hear the Cause *ex-parte* and make a Decree thereon; but such Decree shall not be considered as final, but the same shall be served on the Defendant, with a Rule to shew cause, why such

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Decree should not be made absolute; and if satisfactory cause be not shewn, within the time limited by the Rule, that the Decree become absolute, and be entered by the Registrar, as of course; and that such Decree, and all other Decrees be entered in the Registrar's Book, before the first day of the Term subsequent to such Decree having been pronounced.

LIX. That where it shall manifestly appear to the Court, that a Bill in Equity has been filed without sufficient cause, merely for the purpose of delay, and in order to obstruct any proceedings on the Common Law Side of the Court; such Bill be dismissed with double Costs; which Costs are to be full and taxed as between Attorney and Client.

LX. That all Affidavits made for the purpose of obtaining an Order on the Equity Side of this Court, be filed in the office of the Registrar two days previous to the Court (or a Judge at Chambers) being moved upon the same, and that the Solicitor so filing such Affidavits, give immediate notice thereof in writing to the opposite party.

LXI. That all applications for the appointment of a Guardian or Guardians to Infants, be made by Petition; and that, in all Orders for the appointment of such Guardian or Guardians, there be a clause inserted, that the person so applying do enter into Security by Recognizance before the Master of the Court, in such sum as the said Master shall require, to account yearly upon oath before the said Master

of this Court, for all Receipts and Disbursements out of the Minor's estate; and all such other times as the said Guardian or Guardians shall be called upon by the Court so to do; and further that when any Petition for appointing a Guardian, is referred to the Master, the party presenting the same shall lay before him a state of facts supported by Affidavit, stating the age of the Infant, the nature and amount of his property; what relations he has by the Father's or Mother's side, and the degree of relationship, between the proposed Guardian and the Infant; and on every such Petition the Master shall report, stating all the particulars, and the grounds upon which he approves or disapproves of any person or persons so applying; and, finally, it is ordered that every Guardian, who may be appointed under such report of the Master, shall collect the effects of the Infant as expeditiously as possible, and convert the same into money, and without delay pay the same into the hands of the Registrar of this Court, to be laid out in such manner as the Court shall direct. Equity Side.

And it is further ordered that all Guardians and Receivers of Infant's and Lunatic's estates, and other Receivers appointed by this Court, do pass their accounts upon oath before the Master of this Court, once in every year, and collect the effects of the Infants, Lunatics, or other persons for whose estate they were appointed, and convert the same into money, and pay what they receive into this Court, to be laid out in such manner as the Court may direct; and that the Master in Equity do report

Equity Side.

on the last day of the second and fourth Terms in each year, which of the said Receivers have not passed their accounts, or in other respects have failed to comply with the terms of the Orders under which they have been respectively appointed.

ECCLESIASTICAL AND ADMIRALTY SIDES.

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LXII. That, upon every application for Letters of Administration, two Notices be given by Advertisement in one of the Madras News-papers, and that such Letters be not granted to the party applying for the same, until fourteen days from Publication of the first Notice, in one of the said News-papers, and the necessary Citations issued and returned.

LXIII. That in all Citations and Process, to be issued on the Ecclesiastical Side of this Court, directing an appearance or any matter or thing to be done, there be the same time between the teste and return thereof, and for the entering an appearance thereto, and for the performance of the matter or thing directed, with relation to the circumstances of the party on whom the same be served, as allowed in like cases on the Equity Side of this Court; and that the due service of such Citations and Process, be verified by the oath of the party serving the same.

LXIV. That in every case where a Caveat may be filed, the same be accompanied by Affidavit, stating the right and interest of the Caveator in the estate of the deceased, or the grounds of objection to the party applying for Letters of Administration, or for Probate of a Will or Testament.

LXV. That either party be at liberty to

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support his case with further Affidavits, (giving timely notice and copies of the same) and to set it down for argument; the Administration to be finally granted either upon such summary hearing, or upon a Suit to be instituted by libel, at the discretion of the Court.

LXVI. That fourteen days be allowed for filing Answer to the matters in the several articles in the libel; and, after filing the same, (if it be not accompanied with a cross libel), either the Proponent or Opponent may, on the next Court day, move that a term probatory, to consist of twenty-one days, be assigned, or such longer term, as the Court from the nature of the case shall appoint; and after the expiration of such term, Publication pass, and the Cause be set down by either party for hearing; the Proctor, who so sets it down, giving four days notice thereof to the Judges, and opposite Proctor.

LXVII. That all special cases not provided for by the above Rules, be regulated and governed as near as may be, subject to the discretion of this Court, to the practice of the Prerogative Court of the Archbishop of Canterbury.

LXVIII. Whereas by an Act of the 39th and 40th of His present Majesty, Chapter 39, Sect. 22, the Court was invested with powers in certain cases to grant Administration of the estate and effects of intestates to the Registrar; and whereas the Court is desirous not only that such estates may be collected in, and paid over to the persons entitled, as speedily as possible,

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but, that, until the same can be done the Monies belonging to such estates, not then invested in Securities bearing interest, may be placed out at interest with the United Company of Merchants of England trading to the East Indies, and that all persons interested in the said estates may have all reasonable and proper information respecting the same, it is hereby ordered that in all cases in which the Registrar shall be appointed Administrator under the above-mentioned Act of Parliament, besides filing an inventory and account current, according to the tenor of the Administration Bond, and usual course of the Ecclesiastical Court, he shall enter into a Book to be by him kept for that purpose, separate and distinct accounts of each estate, and of all such sums of Money, Bonds, and other Securities for money, goods, effects, and things, as shall come to his hands, or to the hands of any person employed by him, or in trust for him, by virtue of any letters *ad Colligenda*, or of Administration granted to him by virtue or under the authority of the said Act, and likewise of all payments made by him for, or on account of the said estates, and of all debts due by or to the same, which said Book shall be kept in the Registrar's office, and shall be open for the inspection of all such persons, Practitioners of the said Court, or others, as may have occasion to inspect the same, at office hours, paying the usual Fee, and no more. And it is further ordered, that on the second day of February next, and upon the eighteenth day of July, and upon the second day of February, and the eighteenth day of July, in every succeeding year, the said Registrar shall make

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out a true and perfect Schedule of all such sums of Money, Bonds, or other Securities belonging to each estate committed to his charge, together with the balance appearing on the same, in order that the said Court be at all times fully informed of the state of every intestate's estate, and shall deliver the same in open Court, upon such respective days in each year; and that the same shall be there filed of record, and if upon passing his account at the end of the year, according to the usual course of the Ecclesiastical Court, it shall appear that there is any balance of Cash in his hands, belonging to any estate, which cannot be paid immediately over to the persons entitled to the same, either for want of proper authority, or from uncertainties who are the persons entitled thereto, or for any other cause, the Registrar is hereby directed either to deposit the same in the Company's Treasury, or to lay out and invest it on the account of each separate estate in the purchase of Securities of the United East India Company bearing interest, as shall be most for the advantage of those entitled thereto; and, in the latter case, shall hold the same, together with the interest accruing, for the benefit of such person or persons as may be entitled to the residue of such estate; and it is hereby ordered, that so often as any further sum shall be received by him as aforesaid, or that the Cash in his hands belonging to any one estate shall amount to five hundred Rupees, the same shall be deposited as aforesaid. And it is further ordered, that the said Schedule, and also a Schedule containing a List of all such Administrations, the accounts of which have been

settled, and the balance paid over to the persons entitled to the same, with the amount of the said balance, be printed in the Madras Government Gazette, and in the London Gazette, for the information of all persons concerned; with a memorandum, that the Administrator's accounts are annually transmitted to the East India House in London, and there to be inspected. Ecclesiastical and Admiralty Sides.

And whereas it is by the said Act directed, that the Registrar when appointed Administrator as aforesaid, shall pass his accounts according to the course of the Court of Chancery: It is ordered, that as soon as the Registrar is enabled to close the accounts of any intestate's estate, or at any other time when he may be so ordered by the Court, either officially, or on the application of any person interested in the said estate, he do file his said account in the office of the Master of this Court, and proceed to pass the same as Receivers accounts are now passed; and if the same shall be allowed, the said account of each estate, and all the papers, receipts, and vouchers of and concerning the same, together with a true and perfect List of the same, shall remain in the office of the said Master, to be by him kept for the benefit of all concerned.

And whereas it is of importance, that the residue of the estates of persons dying intestate be paid or remitted to those entitled, as expeditiously as possible, it is ordered that the Registrar do, with all convenient speed, inform himself who are the persons entitled to the residue of any intestate's estate, and shall as

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soon as possible inform such persons of all such circumstances, and particulars, relative to the said estate, as it may be necessary for them to know, in order that they may apply, at the time prescribed by law for the Administrator's filing his account; and in case the said Registrar shall not be able to discover who are the next of kin of any person dying intestate, or shall see reason to doubt concerning the same, he shall cause Advertisements to be inserted in the Madras Gazette, calling upon the next of kin to appear for their interest, and shall also cause a similar Advertisement to be inserted in the London Gazette, if the intestate was a Native of England; in one of the Edinburgh News-papers, if he was a Native of Scotland; and in one of the Dublin News-papers, if he was a Native of Ireland. And whereas it is expedient that persons resident in Europe shall receive as much information as possible relative to the estates of intestates, dying in this Country, It is hereby ordered, that the Registrar do continue, once in every year, to transmit to the East India House true copies, signed by himself, of every Schedule, or Report, so filed by him in Court, as herein directed, in order that the parties may have access to the same, and the same shall be certified in the same manner as copies of Wills and Administrators accounts now are annually certified to England. And whereas great mischiefs have arisen from granting Administrations to persons claiming to be Creditors, on Affidavits stating themselves to be such, without stating how they are so, whereby it has frequently happened that Administrations have been granted to per-

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sons who had only open accounts with the deceased, which, if disputed, and fairly settled, would have shewn a balance in favour of the deceased, and the estates of intestates have been wasted and lost by Administration being granted to such persons, who have thereby had the means of settling their own accounts, in the absence of those entitled to the residue; In order to prevent the same in future, and that all open, and unsettled accounts may be fairly settled with the estates of intestates, The said Court doth hereby order, *that all Affidavits*, sworn by any person for the purpose of obtaining Administration as a Creditor, shall state how the debt arose, and that no Administration shall be in future granted to any person claiming as a Creditor, where the debt arises from the balance, or the supposed balance of an open or unsettled account.

LXIX. That the proceedings on the Admiralty Side be governed and regulated by the Rules established on the Ecclesiastical Side, wherever the same will apply; and, where otherwise, subject to the like directions, as near as may be, to the course established in the High Court of Admiralty.

CROWN SIDE.

LXX. That the Clerk of the Crown enter in proper and separate Books to be kept by him for that purpose, an account of all Writs, Precepts, Orders, or other Mandatory Process and Warrants issued on the Crown Side of this Court; of all Bail allowed and taken, and of what shall have been done thereupon; of all Fines and Recognizances set and forfeited at each Sessions, and the Minutes of the Proceedings of the Sessions; and that he make up and safely keep all Records and Muniments, classing them in a regular order, with references thereto, so that recourse may easily be had to them;—And that he do deliver into Court upon oath in every Term next after the holding of a Sessions of Oyer and Terminer, and Gaol Delivery, an Extract Roll of all Fines, Amerciaments, Forfeitures, Penalties, and Sums of Money, which shall have been set, imposed, lost, or forfeited, by any person or persons whosoever at such Sessions. Crown Side.

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